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U. S. DEPARTMENT OF AGRICULTURE,

BUREAU OF CHEMISTRY—BULLETIN No. 69 (Revised), PART VI.

H. W. WILEY, Chief.

FOODS AND FOOD CONTROL.

REVISED TO JULY 1, 1905.

VI. LAWS OF OHIO, OKLAHOMA, OREGON, PENNSYLVANIA,
AND THE PHILIPPINE ISLANDS.

By W. D. BIGELOW,
CHIEF, DIVISION OF FOODS.



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LETTER OF TRANSMITTAL.

U. S. DEPARTMENT OF AGRICULTURE,
BUREAU OF CHEMISTRY,
Washington, D. C., October 20, 1905.

SIR: I have the honor to submit for your approval a compilation of the food laws of Ohio, Oklahoma, Oregon, Pennsylvania, and the Philippine Islands, revised to July 1, 1905. I recommend that this manuscript be published as Bulletin No. 69, Revised, Part VI, of the Bureau of Chemistry.

Respectfully,

H. W. WILEY,
Chief.

Hon. JAMES WILSON,
Secretary of Agriculture.

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FOODS AND FOOD CONTROL—VI.

Revised to July 1, 1905.

VI. Laws of Ohio, Oklahoma, Oregon, Pennsylvania, and the Philippine Islands.

OHIO.

In response to a letter of inquiry the following statement was made by Mr. Horace Ankeney, State dairy and food commissioner, who is charged with the administration of the food laws of Ohio:

As to the efficiency of the laws in force in Ohio, I may say, that in all instances where we have specific statutes and standards and the manufacturers live inside the State, there is but little evasion of the law. However, when these same products are manufactured and sold outside the State to dealers inside the State, the laws are not so effective and the Commissioner's work is very much more difficult.

More specific standards and statutes would help to render State food control work more effective. I am not prepared now to state specifically just what changes are most needed in the Ohio laws. My most serious difficulties have been with the products manufactured outside the State, that were not true to representation, and I believe the highest efficiency can not be reached until we have a National law, regulating interstate commerce in foods and drugs and requiring that the product shall be in accordance with a National standard for such product. With National standards, a National law and a State commissioner empowered by statute to recognize the National standards as his standards for all products, there will be the highest possible degree of effectiveness in food control work.

GENERAL FOOD LAWS.^a

7077. (1.) *Adulteration prohibited.* No person shall, within this state, manufacture for sale, offer for sale, or sell any drug or article of food which is adulterated, within the meaning of this act.

7078. (2.) *Food and drugs—definitions.* The term "drug," as used in this act, shall include all medicines for internal or external use, antiseptics, disinfectants and cosmetics. The term "food," as used herein, shall include all articles used for food, drink, confectionery, or condiment by man, whether simple, mixed or compound.—*As amended April 20, 1904, Laws of 1904 (House Bill No. 92), p. 116.*

7079. (3.) *Adulteration defined.* An article shall be deemed to be adulterated within the meaning of this act:

(a) In the case of drugs: (1) If, when sold under or by a name recognized in the seventh decennial revision of the United States pharmacopoeia, it differs from the

^a See also "Fish," sec. 7184, for packing regulations.

standard of strength, quality or purity laid down therein; (2) if, when sold under or by a name not recognized in the seventh decennial revision of the United States pharmacopoeia but which is found in some other pharmacopoeia, or other standard work on *materia medica*, it differs materially from the standard of strength, quality, or purity laid down in such work; (3) if, its strength, quality or purity falls below the professed standard under which it is sold.

(b) In [the] case of food, drink, confectionery or condiment: (1) If, any substance or substances have been mixed with it, so as to lower or depreciate, or injuriously affect its quality, strength or purity; (2) if any inferior or cheaper substance or substances have been substituted wholly or in part for it; (3) if any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it; (4) if it is an imitation of, or is sold under the name of another article; (5) if it consists wholly, or in part, of a diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance or article, whether manufactured or not—or, in the case of milk, if it is the produce of a diseased animal; (6) if it is colored, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; (7) if it contains any added substance or ingredient which is poisonous or injurious to health; (8) if it is sold under a coined name and does not contain some ingredient suggested by such name or contains only an inconsiderable quantity; (9) if the package containing it or any label thereon shall bear any statement regarding it or its composition which shall be false or misleading in any particular; provided, that the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles or ingredients of articles of food or drink, if each and every package sold or offered for sale be distinctly labeled in words of the English language, as mixtures or compounds, with the name and per cent. of each ingredient therein. The word "compound" or "mixture" shall be printed in type not smaller in either height or width than one-half the largest type upon any label on the package and the formula shall be printed in letters not smaller in either height or width than one-fourth the largest type upon any label on the package, and said compound or mixture must not contain any ingredient injurious to health.—*As amended April 20, 1904, Laws of 1904 (House Bill No. 92), p. 116.*

7080. (4.) *Sampling.* Every person manufacturing, offering or exposing for sale, or delivering to a purchaser, any drug or article of food included in the provisions of this act, shall furnish to any person interested, or demanding the same, who shall apply to him for the purpose, and shall tender him the value of the same, a sample sufficient for the analysis of any such drug or article of food which is in his possession.

7081. (5.) *Penalty.* Whoever refuses to comply, upon demand, with the requirements of section 4, and whoever violates any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding one hundred nor less than twenty-five dollars, or imprisoned not exceeding one hundred nor less than thirty days, or both. And any person found guilty of manufacturing, offering for sale or selling an adulterated article of food or drug under the provisions of this act, shall be adjudged to pay, in addition to the penalties hereinbefore provided for, all necessary costs and expenses incurred in inspecting and analyzing such adulterated articles of which said person may have been found guilty of manufacturing, selling or offering for sale.

Passed March 20, 1884. 81 O. L., 67; Laning's Revised Statutes and Recodified Laws, 1905, title 5, ch. 8, pp. 1477-1478.

551. (1.) *Dairy and food commissioner.* There is hereby created the office of dairy and food commissioner of the state of Ohio. Said commissioner shall be elected at the general election held on the first Tuesday after the first Monday in November, A. D., one thousand eight hundred and ninety-six. He shall take his

office on the first Tuesday following the fifteenth day of February next after his election and shall serve for two years, and until his successor is elected and qualified. He shall be charged with the enforcement of all laws against fraud and adulteration or impurities in foods, drinks or drugs, and unlawful labeling in the state of Ohio. His salary shall be three thousand five hundred dollars per year, and his necessary and reasonable expense incurred in the discharge of his official duties, to be paid in monthly installments at the end of each calendar month.

Provided, however, that said salary and expenses provided for herein shall be in full of all amounts received by said commissioner from all sources whatsoever, and said necessary and reasonable expenses shall not exceed the sum of seven hundred and fifty dollars in any one year.—*As amended April 1, 1904, Laws of 1904 (House Bill No. 200), p. 64.*

552. (2.) *Inspection and prosecution.* It shall be the duty of said commissioner or assistant commissioner, to inspect any articles of butter, cheese, lard, syrup, or other article of food or drinks, made or offered for sale in the state of Ohio, as an article of food or drink, and to prosecute or cause to be prosecuted, any person or persons, firm or firms, corporation or corporations, engaged in the manufacture or sale of any adulterated article or articles of food or drink, or adulterated in violation of, or contrary to any laws of the state of Ohio.—*As amended March 21, 1887, 84 O. L., 205.*

553. (3.) *Powers of dairy and food commissioner—district attorneys.* The said commissioner, or any assistant commissioner, or any inspector, of the dairy and food department shall have power in the performance of their duty, to enter into any creamery, factory, store, salesroom, drug store or laboratory, or place where they have reason to believe food or drink or linseed oil are made, prepared, sold or offered for sale, and to examine their books, and to open any cask, tub, jar, bottle or package, containing or supposed to contain any article of food or drink and examine or cause to be examined and analyzed the contents thereof, and it shall be the duty of any prosecuting attorney in any county of the state, when called upon by said commissioner or assistant commissioner, or any inspector, to render him any legal assistance in his power, to execute the laws, and to assist in the prosecution of cases arising under provisions of this act.—*As amended March 4, 1904, Laws of 1904 (Senate Bill No. 8), p. 30.*

554. (4.) *Assistant commissioners, inspectors, etc.* Said commissioner may appoint not to exceed two assistant commissioners, each of whose salaries shall be one thousand dollars per year, and necessary traveling expenses incurred in the discharge of their official duties, to be paid in like manner with the commissioner's and on itemized vouchers approved by said commissioner; the said commissioner shall have power to employ such experts, chemists, agents, inspectors and counsel as may by him be deemed necessary for the proper enforcement of the laws, their compensation to be fixed by the commissioner. And each assistant commissioner and inspector now serving or hereafter appointed shall, before entering upon or continuing in the discharge of his duties, give bond payable to the state in the sum of \$1,000.00 with sureties to the approval of the dairy and food commissioner conditioned for the faithful performance of his duties, which bond, when so approved, shall be filed with the secretary of state and be open to inspection at all proper times.

Expenses, vacancies, fines, fees, and costs. All charges, accounts and expenses authorized by this act shall be paid out of the state treasury upon vouchers certified by the commissioner, and upon warrant by the state auditor. The entire expense of said commissioner shall not exceed in one year the amount specifically appropriated for such purposes. All vacancies in the office of dairy and food commissioner shall be filled by appointment of the governor until the next general election, then the same shall be filled as in the original election. All fines, fees and costs assessed and collected under prosecutions begun, or caused to be begun, by the commissioner, and

all fines, fees and costs heretofore assessed and collected under prosecution begun or caused to be begun by the commissioner, shall be paid by the court to the commissioner, and by him paid into the state treasury and be credited to the general revenue fund of the state.

Office rooms. The two most easterly rooms on the north side of the east end of the south corridor of the state house, now occupied by the dairy and food commissioner, are set apart for his use, wherein shall be kept his books, records, or other property of his office.

Seal, report, accounts, etc. He shall keep a seal with which to attest official acts and documents, and shall be entitled to stationery and supplies from the secretary of state as are other state officers. The commissioner shall make an annual report to the governor as soon as possible after the 15th day of November of each year, containing itemized statements of all receipts and disbursements, attorney fees in each specified suit brought in this department, and all persons employed by him, together with such statistics and other matter as he may regard of value; said reports to be published as are the other reports of the other state officers.

Bulletins. He shall issue bulletins at such times as he may deem best, giving such information as he may have of the condition of the various products which it is his duty to cause to be inspected and the results of analyses by him caused to be made and such other information as may be serviceable to the public, which said bulletins shall be immediately published by the state and distributed by the commissioner.—*As amended March 4, 1904, Laws of 1904 (Senate Bill No. 8), p. 30. Passed May 8, 1886; 83 O. L., 120.*

555. (1.) *Commissioner's bond.* The Ohio dairy and food commissioner, before entering upon the discharge of his official duties, shall give bond in the sum of five thousand dollars to the state, with two or more sureties to the acceptance of the governor, conditioned that he will truly account for and apply all moneys or other property which may come into his hands in his official capacity, and for the faithful performance of the duties of his office as the same are prescribed by law; which bond with his oath of office indorsed thereon, shall be filed with the secretary of state.—*Approved March 4, 1891; 88 O. L., 74.*

556. (1.) *Clerk.* The dairy and food commissioner of Ohio be, and is hereby authorized to employ a clerk for his office whose compensation shall not exceed \$1,200.00 per annum.—*Act of April 24, 1903, as amended March 4, 1904, Laws of 1904 (Senate Bill No. 8), p. 31.*

Laning's Revised Statutes and Recodified Laws, 1905, vol. 1, title 3, ch. 22, pp. 193-194.

7062. *Various inspectors and deputies appointed by county probate judges.* The probate judge of each county shall appoint, when it may be necessary, to serve for the term of three years, one gauger and inspector of domestic and foreign spirits, linseed oil, lard oil, and coal oil; one inspector of flour, meal, and biscuit; one inspector of beef, pork, lard, and butter; one inspector of pot and pearl ashes; one inspector of fish; one inspector of sawed lumber and shingles; and one inspector of salt, who shall each have the power of appointing as many deputies to act under them as their respective duties in office may require; and the court may, on complaint and sufficient cause shown, remove any inspector, and fill all vacancies for unexpired term.

7063. *Inspectors' and deputies' oath and bond.* Before any inspector or deputy inspector, shall enter upon the duties of his office, he shall take an oath that he will faithfully and impartially execute the duties required of him by law; and each inspector shall, moreover, enter into bond, with sufficient freehold security, to be approved by the court, in such sum as the court may require, not less than three hundred nor more than one thousand dollars, made payable to the state; which

bond, conditioned for the faithful and impartial performance of the duties required of him by law, shall be deposited with the treasurer of such county.

7064. *Suit against inspector or deputy.* Every person who may think himself injured by the incapacity, neglect, or misconduct of such inspector, or his deputy, may institute a suit on a copy of the bond, certified by the treasurer, for the use of the person suing; and the bond shall not become void on the first or any subsequent judgment; but suit must be instituted within one year after the cause of action accrues.

7065. *Duties of inspectors; branding; records; fees.* The different inspectors or their deputies, shall, on application within their respective counties, inspect all wheat or rye flour, or buckwheat meal, biscuit, butter, lard, pork, beef, fish, and pot or pearl ashes, and when inspected stamp on the cask containing the same, with branding irons, to be provided by the inspector for that purpose, the name of this state, with the name of the county where inspected, the kind and quality of the article inspected, and the weight thereof, which shall be branded on the hogshead, cask, box, package, barrel, or part thereof, containing the same, which shall be conclusive evidence between vendor and vendee at the time of the inspection; which branding irons shall be made and lettered, as may be directed by the probate court; and every inspector shall make, in a book, to be provided by him for that purpose, fair and distinct entries of all articles inspected by him or his deputies, with the names of the persons for whom each article was inspected; and whenever short weight is ascertained, or under tare marked, the inspector so finding, shall be entitled for every hogshead, cask, or box containing over one barrel, twenty cents, and for every barrel and under, ten cents, the charges for repacking and cooperage to be no more than the average price paid for such work at the time the inspection is had, which shall be paid by the party demanding the inspection, or as parties may agree, but in case of forfeiture, then the parties for whose benefit it is condemned, shall pay all such charges; but in case no condemnation takes place, then the inspector shall be entitled to the same fees for the inspection of weight he is for quality, but no more.

Laning's Revised Statutes and Recodified Laws, 1905, vol. 1, title 5, ch. 8, pp. 1475-1476.

10569. *Penalty for selling, etc., unwholesome provisions.* Whoever sells, or offers for sale, or has in his possession with a view to sell any kind of diseased, corrupted, adulterated, or unwholesome provisions, whether for meat or drink, without making the condition of the same known to the buyer, and whoever kills for the purpose of sale, any calf less than four weeks old, or sells, or has in possession with intent to sell, the meat of any calf which he knows to have been killed when less than four weeks old, shall be fined not more than fifty dollars, or imprisoned twenty days, or both.

10570. *Penalty for feeding unwholesome offal or flesh to swine, etc.* Whoever feeds to swine, or animals of any kind used for human food the flesh of any old horse, or the flesh of any animal which has become old, decrepit, infirm or sick, or of one that has died from such cause, or any offal or flesh that is putrid or unwholesome, shall be fined not more than two hundred dollars nor less than fifty, or imprisoned for the first offense not more than thirty days, or both, and for a second offense not more than six months, or both.

Passed March 30, 1896. 92 O. L., 97; Laning's Revised Statutes and Recodified Laws, 1905, vol. 1, title 1, ch. 7, p. 2089.

10791. *Selling by false weights; penalty.* Whoever knowingly sells, or directs or permits any person in his employ to sell, any property, and makes or gives any false or short weight or measure; and any person owning or having charge of any scales

or steelyards, for the purpose of weighing any property, who knowingly reports any false or untrue weight, whereby any person may be defrauded or injured, shall be fined not more than fifty dollars, or imprisoned not more than thirty days, or both.

10793. Selling articles having forged brand, label, etc., affixed; penalty. Whoever vends, or keeps for sale, any goods, merchandise, mixture, or preparation, upon which any forged or counterfeit stamp, brand, imprint, wrapper, label, or trade-mark is placed or affixed, and intended to represent the said goods, merchandise, mixture, or preparation as the true and genuine goods, merchandise, mixture, or preparation of any other person, knowing the same to be counterfeit, shall be fined not more than one hundred dollars.

Laning's Revised Statutes and Recodified Laws, 1905, vol. 1, title 1, ch. 11, pp. 2133-2134.

10800. Failure to mark weights on packages; fraudulent transfer of brands or repacking of branded packages. Whoever puts up or packs any goods or articles sold by weight, into any case or package, and fails or omits to mark thereon the gross, tare, and net weights thereof, in pounds and fractions of pounds, or, with intent to defraud, in any way transfers any brand, mark, or stamp put upon any case or package by any manufacturer, to any other case or package, or, with the like intent, repacks any case or package marked with the brand, mark, or stamp of any manufacturer, with goods or articles of a quality inferior to the goods or articles of that manufacturer, shall be fined not more than five hundred dollars, or imprisoned not more than six months, or both.

Laning's Revised Statutes and Recodified Laws, 1905, vol. 1, title 1, ch. 11, p. 2134.

10850. Counterfeiting inspector's brand; penalty. Whoever willfully forges or counterfeits any representation, likeness, similitude, copy, or imitation of the brand or mark of an inspector appointed according to law, or impresses such forged or counterfeited brand or mark on any cask, barrel, firkin, keg, box, or package containing articles subject to inspection according to law, shall be fined not more than five hundred dollars, or imprisoned in the penitentiary not more than twelve months, or both.

10851. Fraudulent use of genuine brands, stamps, etc. Whoever has in his possession any die, plate, brand, engraving, printed label, stamp, imprint, wrapper, or trade-mark, or any representation, likeness, similitude, copy, or imitation thereof, usually affixed by any person to or upon articles made, manufactured, prepared, or compounded by him, for the purpose of making impressions or selling the same when made, or using the same upon any other articles made, manufactured,^a prepared, or compounded by him, for the purpose of making impressions, or selling the same when made, or using the same upon any other articles made, manufactured, prepared, or compounded, and passing the same off upon the community as the original goods, manufacture, preparation or compound of any other person, or so in fact sells or uses the same, or wrongfully and fraudulently uses the genuine stamp, brand, imprint, wrapper, label, or trade-mark, with intent to pass off any goods, wares, merchandise, mixture, compound, or other article, not the manufacture of the person to whom such stamp, brand, imprint, wrapper, label, or trade-mark properly belongs, as genuine and original, shall be fined not more than five hundred dollars, or imprisoned not more than twelve months, or both.

Laning's Revised Statutes and Recodified Laws, 1905, vol. 1, title 1, ch. 11, p. 2142.

^a So in Statutes.

11061. Proceeding to reverse order of conviction in circuit court. Whenever after a conviction of any crime, misdemeanor or violation of a city ordinance in any court inferior to the circuit court, such conviction may be reversed by the circuit court; in each and all such cases the attorney representing the state may take proceedings in error in the supreme court to reverse the order of reversal in the circuit court, and it shall be the duty of the clerk of the circuit court on application by or on behalf of the state to make a record of the docket and journal entries in any such case, and the clerk shall transmit to the supreme court on the precipe of the attorney, the record and transcript of all docket and journal entries therein, and of all bills of exceptions, papers and files in the case. And like proceedings shall be had in the supreme court at the hearing of the petition in error as in other cases. And it shall be the duty of the presiding judge of such circuit court to appoint some competent attorney to argue such case against the prosecuting attorney in the supreme court. And such attorney shall receive for his services a fee to be fixed by such circuit court not exceeding one hundred dollars, to be paid out of the treasury of said county upon the order of such circuit court.

Passed April 17, 1896. Laning's Revised Statutes and Recodified Laws, 1905, vol. 1, title 2, ch. 6, p. 2174.

6001. Procedure in administration of food laws, jurisdiction, costs, etc. Any justice of the peace, police judge, or mayor of any city or village, shall each have jurisdiction within his county, in all cases of violation of the laws to prevent the adulteration of food and drink, the adulteration or deception in the sale of dairy products, or any other foods, and drugs and medicines, and any violation of the law for the prevention of cruelty to animals or children, or under section 4842 [3140-2], 7266 [4364-24], 7267 [4364-25], 10678 [6984a] of the Revised Statutes of Ohio. In any such prosecution where imprisonment may be a part of the punishment, if a trial by jury be not waived, the said justice of the peace shall, not less than three nor more than five days before the time fixed for trial, certify to the clerk of the court of common pleas of his county that such prosecution is pending before him. Thereupon said clerk shall proceed to draw, in the presence of representatives of both parties, from the jury wheel or box containing the names of persons selected to serve as petit jurors in the court of common pleas in said county, twenty ballots or names, which shall be drawn and counted in the same manner as for jurors in said court of common pleas. Said clerk shall forthwith certify the names so drawn to said justice of the peace, who, upon receipt thereof, shall issue to any constable of the county a venire containing such names to serve as jurors to try such case and make due return thereof. The jurors shall be subject to the same challenges as jurors are subject to in criminal cases, except capital cases, in the court of common pleas. If the venire of twenty names be exhausted without obtaining the required number to fill the panel, the justice shall fill the panel with talesmen in the manner provided for criminal cases in said court of common pleas.

In all cases prosecuted under the provisions of this act, no costs shall be required to be advanced or be secured by any person or persons authorized under the law to prosecute such cases; and if the defendant be acquitted or discharged from custody, by nolle or otherwise, or if he be convicted and committed in default of paying fine and costs, all costs of such case shall be certified by said justice of the peace under oath to the county auditor, who, after correcting any errors in the same, shall issue a warrant on the county treasurer, in favor of the person or persons to whom such costs and fees shall be paid. And in cases brought for any violation of law for the prevention of cruelty to animals or children, or under section 4842 [3140-2], 10677 [6984], 10678 [6984a], or 10684 [7017-3] Revised Statutes of Ohio, any humane society or their agents may employ an attorney to prosecute the same, who shall be

paid for his services out of the county treasury in such sum as any judge of the court of common pleas or probate judge, within said county, or the county commissioners, may approve as just and reasonable.

In pursuing or arresting any defendant and in subpoenaing the witnesses, the jurisdiction and powers of the constable or other court officer acting in such capacity, in all such cases, shall be the same as that of the sheriff of the county in criminal cases in the common pleas court, and he shall receive the same fees therefor as are allowed said sheriff. Jurors in all such cases and witnesses subpoenaed in all such cases shall be entitled to like mileage and fees, as are allowed in criminal cases in the court of common pleas, and in all other respects, in so far as the same may be applicable, the procedure provided for in criminal cases in the common pleas court not otherwise inconsistent herewith, shall be followed. And provided further, that where, in any such laws, after the first offense, a different punishment is provided for subsequent offenses, the information or affidavit, in order to avail the state of the benefit of such additional punishment, shall so charge that it is the second or subsequent offense, and unless such special charge is so made, the punishment shall in all cases be as of the first offense. All costs and moneys which are to be paid by the county treasurer as herein provided, shall be paid out of the general revenue fund of said county.

And in any case prosecuted under the provisions of this section, a new trial, after a verdict of conviction, may be granted, for any of the reasons enumerated in section 11114 [7350] of the Revised Statutes, upon the written application of the defendant, filed within three days after the rendition of the verdict; provided that the causes enumerated in subdivision two, three and five of said section must be sustained by affidavits or other evidence showing their truth and may be controverted by like evidence.

Passed May 10, 1902. Laning's Revised Statutes and Recodified Laws, 1905, vol. 1, title 11, ch. 14, pp. 1256-1257.

ALCOHOLIC BEVERAGES.

7196. (1). *Adulterated wine defined; penalty.* All liquors denominated as wine containing alcohol, "except such as shall be produced by the natural fermentation of pure, undried grape-juice," or compounded with distilled spirits, or by both methods, whether denominated as wine, or by any other name whatsoever, in the nature of articles for use as beverages, except as allowed in section four [7199] of this act, or for compounding with other liquors for such use, and all compounds of the same with pure wine, and all preserved fruit-juices compounded with substances not produced from undried fruit, in character of, or intended for use as beverages, and all wines (including all grades and kinds) which contain, or in the production or manufacture of which, any glucose, or uncrystallized grape or starch sugar, or cider, or pomace of grapes out of which the juice has been pressed or extracted, known as grape cheese, has been used, and all wines, imitation of wines or other beverages produced from fruit into which carbonic acid gas has been artificially injected, or which shall contain any alum, baryta, salts, caustic lime, carbonate of soda, carbonate of potash, carbonic acid, salts of lead, salicylic acid or any other antiseptic, coloring matter (other than produced from undried fruit, or pure sugar), essence of either^a or any foreign substance whatever, which is injurious to health, shall be denominated as adulterated wine, and

Any person or persons who shall manufacture, or cause the same to be done, with intent to sell, or shall sell or offer to sell, any of such wine or beverage, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than two hundred dollars, or more than one thousand dollars, or be imprisoned in the county jail

^aSo in Statutes.

for a term of less than thirty days or more than six months, or by both such fine and imprisonment, in the discretion of the court, and shall be liable to a penalty of one dollar for each gallon thereof sold, offered for sale, or manufactured with intent to sell, and such wine or beverage shall be deemed a public nuisance and forfeited to the state, and shall be summarily seized and destroyed by any health officer, marshal, constable or sheriff, within whose jurisdiction the same shall be found, and the reasonable expense of such seizure and destruction, not exceeding the amount paid for similar services, shall be a county charge, and paid out of the county treasury in the same manner as costs in criminal cases, where the state fails to convict, are now allowed and paid out of such treasury.—*As amended March 26, 1891, 88 O. L. 231.*

7197. (2.) *Defining "pure wine;" labels.* For the purpose of this act the words "pure wine" shall be understood to mean the fermented juice of the undried grapes, without the addition thereto of water, sugar, or any foreign substance whatever; and

All such wines shall be known as "pure wine" and shall be stamped, branded, labeled, designated and sold as "pure wine," and the name and kind of wine, and that of the locality where such wine is made, and of the manufacturer, may also be added; and it shall be unlawful to affix any stamp, brand or label containing the words "pure wine" (either alone or with other words) on any vessel, package, bottle or other receptacle containing any substance other than pure wine as in this section defined, or to prepare, or use on any vessel, package, bottle, or other receptacle containing any liquid, any imitation or counterfeit of such stamp, label or brand, or any stamp, label or brand of such form and appearance as to be calculated to mislead or deceive any person, or cause to be supposed that the contents thereof be pure wine, or to use any vessel, package, bottle or other receptacle, having such stamp, brand or label affixed thereon, except for pure wine, as in this section defined; and if the name of the manufacturer is added, then only of such manufacturer's make, providing the same is pure wine. And any person selling such wine shall in the invoice thereof plainly state and designate the same as "pure wine."—*As amended March 26, 1891, 88 O. L. 231.*

7198. (3.) *"Wine" defined.* For the further purpose of this act the word "wine" shall be understood to mean the fermented juice of undried grapes; provided, however, that the addition of pure white or crystallized sugar to perfect the wine, or the using of the necessary things to clarify and refine the wine which are not injurious to health, shall not be construed as adulterations, but such wine shall contain at least seventy-five per cent. of pure grape juice, and shall not contain any artificial flavoring whatever; and

All such "wine" shall be known as "wine," and shall be stamped, branded, labeled and sold as "wine," in the same manner as is provided in section two [7197] of this act in case of pure wine, except the words in this case shall be "wine" without the prefix "pure" and all the provisions of said section two [7197], as far as applicable, shall govern the manufacture and sale of "wine" as in this section defined. And any person selling such wine shall in the invoice thereof plainly state and designate the same as "wine" without using the prefix "pure."—*As amended March 26, 1891, 88 O. L. 231.*

7199. (4.) *"Compounded wine" defined; labeling.* For the further purpose of this act, the word "compounded wine" shall be understood to mean any wine which contains less than seventy-five per cent. of pure undried grape-juice, and is otherwise pure, and all wines containing alcohol or any other distilled spirits not produced by the natural fermentation of pure undried grapes, such wine shall be known as compounded wine, and shall be branded, marked, labeled and sold as compounded wine, and the name of such wine may be added, or such wine shall be branded, labeled and marked by using the word "compounded" next preceding the name of such wine, such as "compounded sweet catawba," or "compounded port wine," or the like (and an addition of pure distilled spirits not to exceed eight per cent. of its

volume shall not be taken to be an adulteration of such wine); and upon each and every package, barrel or other receptacle of such wine, which shall contain more than three gallons, there shall be stamped upon both ends of such package, barrel or other receptacle, in black printed letters at least one inch high and of proper proportion, the words "compounded wine" or the name of such wine, preceded by the word "compounded" as in this section provided, and upon all packages or other receptacle which shall contain more than one quart and up to three gallons, there shall be stamped upon each of said packages or receptacles in plain, printed black letters, at least one-half inch high, and of proper proportion, the words "compounded wine," or the name of such wine, preceded by the word "compounded," as in this section provided, and upon all packages, bottles or other receptacles of one quart or less, there shall be placed a label securely pasted thereon, on which label the words "compounded wine," or the name of the wine, preceded by the word "compounded," shall be plainly printed in black letters at least one-fourth of an inch high and of proper proportion. Should any number of such packages or other receptacle be inclosed in a larger package, as a box, barrel, case or basket, such outside package shall also receive the stamp "compounded wine" or the name of such wine, preceded by the word "compounded," the letters to be the size according to the amount of such wine contained in such outside packages. And any person selling wine of the kind this section defined, shall in the invoice thereof plainly state and designate such wine as "compounded wine."—*As amended March 26, 1891, 88, O. L. 231.*

7200. (5.) Misbranding; penalty; prosecutions. Any person or persons who shall sell or offer for sale, or manufacture or cause the same to be done, with intent to sell any wine stamped or labeled, or branded, or designated in any manner as "pure wine," either by including the word "pure" with "wine" alone or in connection with other words, which is not "pure wine" as is in section two [7197] of this act defined, or any wine stamped, or labeled or branded, or in any manner designated as "wine," but which is not wine, as in section three [7198] of this act defined, or shall violate any provision of said sections two [7197] and three [7198] of this act, or shall sell or offer for sale, or manufacture, or cause the same to be done, with intent to sell any wine of the kind and character as described in the fourth section [7199] of this act, which shall not be stamped, marked, or labeled after the manner and mode therein prescribed, or which is falsely stamped, or marked, or labeled, such person or persons shall be guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars or more than one thousand dollars for each and every offense, or by imprisonment in the county jail not less than thirty days, or more than six months, or both fine and imprisonment, in the discretion of the court, and in addition thereto shall be liable to a penalty of one-half dollar for each gallon thereof sold, offered for sale, or manufactured with intent to sell or offer for sale. All penalties imposed by this act, may be recovered with costs of action by any person in his own name, before any justice of the peace in the county where the offense was committed, where the amount does not exceed the jurisdiction of such justice; and such penalties may be recovered in the like manner in any court of record in the state, but on the recovery by the plaintiff in such case for a sum less than fifty dollars, the plaintiff shall only be entitled to costs to amount equal to the amount of such recovery.

It shall be the duty of the prosecuting attorney of the respective counties of this state, and they are hereby required to prosecute or commence action in the name of the state of Ohio, for the recovery of the penalties allowed herein, upon receiving proper information thereof, and in actions brought by such prosecuting attorney, one-half of the penalty recovered shall belong to and be paid over to the person or persons giving the information upon which the action is brought, and the other one-half shall be paid to the treasurer of the county in which said action is brought.

within thirty days from the time of its collection, and such money shall be placed to the credit of the poor fund of the town, city or township in which the cause of action arose, after paying therefrom a reasonable attorney fee to the prosecuting attorney prosecuting such suit, to be fixed and allowed by the court trying such cause. All judgments recovered in pursuance of the provisions of this act, with interest thereon, may be collected and enforced by the same means and in the same manner as judgments in other cases. Two or more penalties may be included in the same action.

7201. (6.) *Medicated wines, etc., exempt.* The provisions of this act shall not apply to medicated wines, such as are put up and sold for medicinal purposes only; nor to currant wine or other wines made from fruits, other than grapes, which are plainly labeled, or branded, or designated and sold, or offered for sale under names including the word wine, but also expressing distinctly the fruit from which they are made, as "gooseberry wine," "elderberry wine," or the like.

Laning's Revised Statutes and Recodified Laws, 1905, vol. 1, title 5, ch. 8, pp. 1493-1495.

10608. *Branding; penalty.* Whoever, being engaged in the manufacture and sale of intoxicating liquor, fails to brand on each package containing the same the name of the person or company manufacturing, rectifying, or preparing the same, and also the words "Containing no poisonous drug, or other added poison," shall be fined not more than one thousand dollars, and imprisoned not more than six months nor less than one month.

10609. *Adulteration; penalty.* Whoever adulterates, except for medicinal or mechanical purposes, any spirituous or alcoholic liquors, by mixing the same with any substance, or sells or offers to sell any such liquor, knowing the same to be thus adulterated, or imports into this state, and sells or offers to sell, any such liquor, knowing the same to be thus adulterated, and not inspected as required by law, shall be fined not more than five hundred nor less than one hundred dollars, and imprisoned not more than thirty nor less than ten days.

Laning's Revised Statutes and Recodified Laws, 1905, vol. 1, title 1, ch. 8, p. 2098.

7189. *Standard for casks and barrels.* All barrels or casks containing domestic spirits shall be made of good, well seasoned white oak timber, clear of sap wood, bound with not less than ten good and sufficient hoops.

7190. *Inspectors to brand casks as to quality and quantity of contents.* Each inspector of domestic spirits, appointed under the provisions of this chapter, shall provide himself with the most common and approved instruments for ascertaining the capacity of a barrel or cask, and with the hydrometer used by United States inspectors for ascertaining the strength of spirituous liquors, to test the quality or proof thereof, and to keep the same in good order; and when called upon for that purpose shall immediately gauge or ascertain the capacity and contents of any barrel or cask, and the quality or proof of the contents thereof, and mark on such barrel or cask the true quantity the barrel or cask will contain, in wine gallons, the amount of wastage, and the quality or proof of such domestic spirits, with the word "Ohio," and the name of the county where inspected.

7191. *Liquors to be inspected.* The inspector shall inspect all alcoholic liquors imported into or manufactured in the county in which he is inspector, unless the same has the inspector's brand of some other county in this state, which brand shall be evidence of the purity of the article.

7192. *Sale of uninspected liquor; penalty.* Any person who sells or offers to sell any spirituous liquors, not inspected as herein provided, shall be fined in any sum not exceeding five hundred dollars, nor less than one hundred dollars, and imprisoned in the jail of the county, not more than thirty, nor less than ten days.

7193. *Inspector's record; fees and expenses.* The inspector shall keep an accurate account of all liquors by him inspected, and mark on the casks or barrels the word "pure," if so found, and if otherwise, the word "impure;" and when he finds any adulterated liquors, he shall give notice to the prosecuting attorney of the county, of the person owning or offering for sale such adulterated liquors, who shall forthwith institute proceedings against such persons as hereinafter provided; and if, upon the trial, he is found guilty of a violation of the foregoing provisions, the inspector shall forthwith destroy such adulterated liquor; the inspector shall be entitled to receive for his services, two dollars per day, and mileage at the rate of five cents per mile, for each mile he may necessarily be required to travel in the discharge of his duties, from the owner of the same, or the person offering to sell.

7194. *Medicinal liquors, etc., exempt.* The provisions of this chapter shall not be so construed as to prevent druggists, physicians, and persons engaged in the mechanical arts, from adulterating liquors for medicinal or mechanical purposes.

7195. *Inspector's fine for dealing in articles inspected.* Any person appointed inspector and gauger of domestic and foreign spirits, or linseed oil, who purchases, stores, freights, or in anywise deals in the articles he is appointed to inspect or gauge, either directly or indirectly, shall forfeit and pay, for every such offense, a sum not exceeding one hundred dollars, and be removed from office.

Laning's Revised Statutes and Recodified Laws, 1905, vol. 1, title 5, ch. 8, p. 1493.

10805. *False branding; fine.* Whoever puts into any barrel, cask, or other vessel, having the private stamp, brand, wrapper, label, or trade-mark usually affixed by any maker of wine from grapes grown within the state of Ohio, adulterated liquors, for the purpose of deceiving any person by the sale thereof, shall be fined not more than one hundred dollars, or imprisoned not more than twelve nor less than three months, or both.

10806. *False use of casks branded "pure."* Whoever puts into any barrel, cask, or other vessel, branded or marked pure by any inspector in this state, adulterated liquors, or knowingly sells or offers for sale such liquors in packages so branded, shall be imprisoned in the penitentiary not more than twelve months.

Laning's Revised Statutes and Recodified Laws, 1905, vol. 1, title 1, ch. 11, p. 2135.

10828. *Adulteration of domestic wines.* Whoever adulterates any wine made, or juice expressed, from grapes grown within the state of Ohio, by mixing therewith any drugs, chemicals, cider, whiskey, or other liquor; and whoever sells, or offers to sell, any such adulterated wine or grape juice, knowing the same to be adulterated, shall be fined in any sum not more than three hundred nor less than fifty dollars.

10829. *Adulteration of liquors; penalty.* Whosoever adulterates, for the purpose of sale, any spirituous, alcoholic or malt liquors used or intended for drink, or medical or mechanical purposes, with coccus-indicus, vitriol, grains of paradise, opium, alum, capsicum, copperas, laurel water, logwood, Brazil-wood, cochineal, sugar of lead, aloes, glucose, tannic acid, or any other substance which is poisonous or injurious to health, or with any substance not a necessary ingredient in the manufacture thereof; and whosoever sells or offers or keeps for sale any such liquors so adulterated, shall be fined in any sum not less than twenty nor more than one hundred dollars, or be imprisoned not less than twenty nor more than sixty days, or both, at the discretion of the court. And any person guilty of violating any of the provisions of this section, shall be adjudged to pay, in addition to the penalties hereinbefore provided for, all necessary costs and expenses incurred in inspecting and analyzing any such adulterated liquors of which said party may have been guilty of adulterating, or selling, or keeping for sale, or offering for sale.—As amended March 25, 1882, 79 O. L., 52.

10830. *Manufacturing or selling poisoned liquors.* Whosoever uses any active poison in the manufacture or preparation of any intoxicating liquor, or sells in any quantity any intoxicating liquor so manufactured or prepared, shall be imprisoned in the penitentiary not more than five years nor less than one year.

Laning's Revised Statutes and Recodified Laws, 1905, vol. 1, title 1, ch. 11, p. 2138.

10849. *Forging brand, stamp, label or trade-mark.* Whoever wilfully forges or counterfeits any representation, likeness, similitude, copy, or imitation of the private brand, wrapper, label, or trade-mark usually affixed by any person to or upon the goods, wares, merchandise, preparation, or mixture of such person, or by any maker of wine from grapes grown within this state, to the bottles or casks used by him to contain the same, with the intent to pass off any work, goods, manufacture, wine, compound, preparation, or mixture, to which such forged or counterfeit representation, likeness, similitude, copy, or imitation is affixed, or intended to be affixed.^a as the work, goods, manufacture, wine, compound, preparation, or mixture of such person, shall be fined not more than five hundred dollars, or imprisoned not more than twelve months, or both.

Laning's Revised Statutes and Recodified Laws, 1905, vol. 1, title 1, ch. 11, p. 2142.

CANDY.

7074. *Manufacture and sale of adulterated candy.* No person shall manufacture for sale, or sell or offer to sell any candy adulterated by the admixture of terra alba, berytes,^a talc, or other mineral substance, or poisonous colors or flavors, or other ingredients deleterious or detrimental to health.

7075. *Samples.* Every person manufacturing any candy, or offering or exposing the same for sale, shall furnish to any person interested or demanding the same, who shall apply to him for that purpose, and shall tender him the value of the same, a sample sufficient for the analysis thereof.

7076. *Penalties.* Whoever refuses to comply, upon demand, with the requirements of section 2 [7075], and whoever violates any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction, shall be fined not exceeding one hundred dollars nor less than twenty-five dollars, or imprisoned not exceeding one hundred nor less than thirty days, or both; and he shall be adjudged to pay in addition all necessary costs and expenses incurred in the inspecting and analyzing such adulterated candy, and the same shall be forfeited and destroyed under the direction of the court.

Passed May 8, 1896. 83 O. L., 119; Laning's Revised Statutes and Recodified Laws, 1905, vol. 1, title 5, ch. 8, p. 1477.

CANNED GOODS.

10802. (1.) *Sale of unlabeled canned fruits and vegetables.* It shall hereafter be unlawful in this state for any packer or dealer in preserved or canned fruits and vegetables, or other articles of food, to offer such canned articles for sale after January 1, 1886, with the exception of goods brought from foreign countries or packed prior to the passage of this act, unless such articles bear a mark to indicate the grade or quality, together with the name and address of such firm, person or corporation that pack the same or dealer who sells the same.

10803. (2.) *Labeling of "soaked" goods and cans of maple molasses.* All soaked goods, or goods put up from products dried before canning, shall be plainly marked by an adhesive label, having on its face the word "soaked," in letters not less in

^a So in Statutes.

size than two-line pica, of solid and legible type; and all cans, jugs, or other packages, containing maple syrup or molasses, shall be plainly marked by an adhesive label, having on its face the name and address of the person, firm, or corporation who made or prepared the same, together with the name and quality of the goods, in letters of the size provided in this section.—Amended February 23, 1886, 83 O. L., 10; reenacted April 8, 1886, 83 O. L., 73.

10804. (3.) *False or fraudulent stamps or labels; penalty.* Any person, firm, or corporation who shall falsely stamp or label such cans or jars containing preserved fruit or food of any kind, or knowingly permit such false stamping or labeling, and any person, firm or corporation who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and punished with a fine not less than \$50 in the case of vendors, and in the case of manufacturers, and those falsely or fraudulently stamping or labeling such cans or jars, a fine of not less than \$500 nor more than \$1,000; and it shall be the duty of any board of health in this state, cognizant of any violation of this act, to prosecute any person, firm or corporation which it has reason to believe has violated any of the provisions of this act, and after deducting the costs of trial and conviction, to retain for the use of such board the balance of the fine or fines recovered.

Passed April 29, 1885. Laning's Revised Statutes and Recodified Laws, 1905, vol. 1, title 1, ch. 11, p. 2135.

DAIRY PRODUCTS.^a

7107. (1.) *Adulterated or diseased milk.* Whoever, by himself or by his servant, or agent, or as the servant or agent of any other person, sells, exchanges or delivers, or has in his custody or possession with intent to sell or exchange, or exposes or offers for sale or exchange, adulterated milk, or milk to which water or any foreign substance has been added, or milk from diseased or sick cows, shall, for a first offense, be punished by a fine of not less than fifty nor more than two hundred dollars; for a second offense, by a fine of not less than one hundred dollars nor more than three hundred dollars, or by imprisonment in the workhouse for not less than thirty nor more than sixty days; and for a subsequent offense, by a fine of fifty dollars, and by imprisonment in the workhouse of not less than sixty nor more than ninety days.

7108. (2.) *Skimmed milk sold as pure.* Whoever, by himself or by his servant or agent, or as the servant or agent of any other person, sells, exchanges or delivers, or has in his custody or possession, with intent to sell or exchange, or exposes or offers for sale as pure milk, any milk from which the cream or part thereof has been removed, shall be punished by the penalties provided in the preceding section.

7109. (3.) *Skimmed milk must be labeled.* No dealer in milk, and no servant or agent of such a dealer, shall sell, exchange, or deliver, or have in his custody or possession, with intent to sell, exchange or deliver, milk from which the cream or part thereof has been removed, unless in a conspicuous place, above the center, upon the outside of every vessel, can or package, from which or in which such milk is sold, the words "skimmed milk" are distinctly marked in uncondensed gothic letters not less than one inch in length. Whoever violates the provisions of this section shall be punished by the penalties provided in section 1. [7107.]

7110. (4.) *Milk standards.* In all prosecutions under this chapter, if the milk is shown upon analysis to contain more than eighty-eight per cent. of watery fluid, or to contain less than 12 per cent. of solids or to contain less than three per cent. of fats, it shall be deemed for the purpose of this chapter to be adulterated.—As amended April 20, 1904, Laws of 1904, (House Bill No. 253), p. 119.

Passed April 10, 1889, 86 O. L., 229; Laning's Revised Statutes and Recodified Laws, 1905, vol. 1, title 5, ch. 8, p. 1482.

^a See also General Food Laws.

7111. (1.) *Imitation butter and cheese.* No person, by himself or his agent, or his employee, shall render or manufacture for sale out of any animal or vegetable oils, not produced from unadulterated milk or cream from the same, any article in imitation or semblance of natural butter or cheese produced from pure unadulterated milk or cream from the same, nor compound with, or add to milk, cream or butter any acids or other deleterious substance, or animal fats or animal or vegetable oils not produced from milk or cream, so as to produce any article or substance, or any human food, in imitation or semblance of natural butter or cheese, nor shall sell, keep for sale or offer for sale any article, substance or compound made, manufactured or produced in violation of the provisions of this section, whether such article, substance or compound shall be made or produced in this state or elsewhere.

7112. (2.) *Natural butter and cheese, etc., defined.* For the purpose of this act the terms "natural butter and cheese," "natural butter or cheese produced from pure unadulterated milk or cream from the same, butter and cheese made from unadulterated milk or cream, butter or cheese, the product of the dairy," and butter or cheese, shall be understood to mean the products usually known by the terms butter and cheese, and which butter is manufactured exclusively from pure milk or cream or both, with salt and with or without any harmless coloring matter, and which cheese is manufactured exclusively from pure milk or cream or both, with salt and rennet and with or without any harmless coloring matter or sage. It is further provided that nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine, in a separate and distinct form, and in such manner as will advise the consumer of its real character, free from any coloring matter or other ingredient causing it to look like or appear to be butter, as above defined.

7113. (3.) *Penalty.* Whoever violates the provisions of this act shall be guilty of a misdemeanor, and be punished by a fine of not less than one hundred dollars, nor more than five hundred, or not less than six months' nor more than one year's imprisonment, for the first offense, and by imprisonment for one year for each subsequent offense.

Passed March 7, 1890. 84 O. L., 51; Laning's Revised Statutes and Recodified Laws, 1905, vol. 1, title 5, ch. 8, pp. 1482-1483.

7114. (1.) *Coloring matter in oleomargarine.* No person shall manufacture, offer or expose for sale, sell or deliver, or have in his possession with intent to sell or deliver, any oleomargarine which contains any methyl [methyl] orange, butter yellow, annatto, analine dye, or any other coloring matter.

7115. (2.) *Placards to be displayed by dealers in oleomargarine.* Every person who shall offer or expose for sale, sell or deliver, or have in his possession with intent to sell or deliver, any oleomargarine, shall keep a white placard not less in size than ten by fourteen inches, in a conspicuous place where the same may be easily seen and read, in the store room, stand, booth, vehicle or place where such substance is offered or exposed for sale, on which placard shall be printed in black letters, not less in size than one and one-half inches square, the words, "oleomargarine sold here;" and said placard shall not contain any other words than the ones described; and no person shall sell or deliver any oleomargarine unless it be done under its true name and each package has on the upper side thereof a label on which is printed in letters not less than five-eighths of an inch square, the word "oleomargarine," and in letters not less than one-eighth of an inch square, the name and per cent. of each ingredient therein.

7116. (3.) *Placards to be displayed by hotel proprietors, etc.* Every proprietor, keeper, manager or person in charge of any hotel, boat, railroad car, boarding-house, restaurant, eating-house, lunch-counter or lunch-room, who therein sells, uses, serves, furnishes or disposes of or uses in cooking, any oleomargarine, shall display and

keep a white placard in a conspicuous place, where the same may be easily seen and read, in the dining-room, eating-room, restaurant, lunch-room or place where such substance is furnished, served, sold or disposed of, which placard shall be in size not less than ten by fourteen inches, upon which shall be printed in black letters, not less in size than one and a half inches square, the words, "oleomargarine sold and used here," and said card shall not contain any other words than the ones above described, and such proprietor, keeper, manager or person in charge shall not sell, serve or dispose of such substance as for butter when butter is asked for or purported to be furnished or served.—*As amended Feb. 13, 1896, 92 O. L., 23.*

7117. (4.) Oleomargarine defined. The word "oleomargarine" as used in this act shall be construed to mean any substance, not pure butter of not less than eighty per cent. of butter-fats, which substance is made as substitute for, in imitation of, or to be used as butter.

7118. (5.) Penalty. Any manufacturer who violates any of the provisions of this act shall, upon conviction thereof, be fined in any sum not less than one hundred dollars nor more than five hundred dollars; and for each subsequent offense, in addition to the above fine, may be imprisoned in the county jail not more than ninety days. Any other person violating any of the provisions of this act shall, upon conviction thereof, be fined not less than fifty dollars nor more than one hundred dollars.

Passed May 16, 1894. 91 O. L., 247; Laning's Revised Statutes and Recodified Laws, 1905, vol. 1, title 5, ch. 8, p. 1483.

7119. (1.) Filled cheese and skinned cheese. Whoever, by himself or his agents, sells, exposes for sale, or has in his possession with intent to sell, any article, substance, or compound made in imitation or semblance of cheese, or as a substitute for cheese, and not made exclusively and wholly of milk or cream with salt, rennet, and with or without harmless coloring matter, or containing any fats, oils or grease not produced from milk or cream, shall have the words "filled cheese," and all cheese made exclusively and wholly from milk or cream with salt, rennet, and with or without harmless coloring matter, and containing less than thirty per cent. of pure butter fat, shall have the words "skinned cheese," stamped, labeled, or marked, in printed letters of plain uncondensed gothic type, not less than one inch in length, so that the words cannot easily be defaced, and upon the side of every cheese, cheese-cloth or band around the same, and upon the top and side of every tub, firkin, box or package containing any of said articles, substance, or compound. And in case of retail sales of any of said articles, substance or compound, not in the original package, the seller shall, by himself or his agents, attach to each package so sold, and shall deliver therewith to the purchaser, a label or wrapper bearing in a conspicuous place upon the outside of the package the words "filled cheese" or "skinned cheese," as the case may be, in printed letters of plain, uncondensed gothic type, not less than one inch in length.—*As amended April 7, 1898, 93 O. L., 89; and as further amended April 23, 1904, Laws of 1904 (House Bill No. 453), p. 252.*

7120. (2.) Penalty. Whoever, by himself or his agents, sells, exposes for sale, or has in his possession with intent to sell, any article, substance or compound made in imitation or semblance of cheese, or as a substitute for cheese, except as provided in section 1 [7119] of this act, and whoever with intent to deceive, defaces, erases, cancels, or removes any mark, stamp, brand, label or wrapper provided for in said section, or in any manner shall falsely label, stamp, or mark any box, tub, article, or package marked, stamped, or labeled as aforesaid, shall be punished by a fine of not less than fifty nor more than one hundred dollars, or by imprisonment in the county jail not less than ten nor more than thirty days for the first offense, and by a fine of not less than one hundred nor more than two hundred dollars, or by imprisonment

in the county jail not less than twenty nor more than sixty days, or both, for each subsequent offense.

7121. (3.) *Penalty.* Whoever, by himself or his agents, sells, exposes for sale, to any person who asks, sends or inquires for cheese, any article, substance or compound made in imitation or semblance of cheese, or as a substitute for cheese, not made entirely from milk or cream, with salt, rennet, and with or without harmless coloring matter, and containing not ^a less than thirty per cent. pure butter fats, shall be punished by a fine of not less than fifty nor more than one hundred dollars, or by imprisonment in the county jail not less than ten nor more than thirty days for the first offense, and by a fine of not less than one hundred nor more than two hundred dollars, or by imprisonment in the county jail not less than twenty nor more than sixty days, or both, for each subsequent offense.—*As amended April 23, 1904, Laws of 1904 (House Bill No. 453), p. 252.*

7122. (4.) *Brands and placards on imitation cheese; penalty.* Whoever, by himself or his agents, sells or offers for sale, any article, substance, or compound made in imitation or semblance of cheese, or as a substitute for cheese not made entirely from milk or cream, with salt, rennet, and with or without harmless coloring matter, not marked and distinguished by all the marks, words and stamps required by this act, and not having in addition thereto upon the exposed contents of every opened tub, box, or parcel thereof, a conspicuous placard with the words "filled cheese" or "skimmed cheese" as the case may be printed thereon in plain, uncondensed letters, not less than one inch long, shall be punished by a fine of not less than fifty nor more than one hundred dollars, or by imprisonment in the county jail not less than ten nor more than thirty days for the first offense, and by a fine of not less than one hundred nor more than two hundred dollars, or by imprisonment in the county jail not less than twenty nor more than sixty days, or both, for each subsequent offense.

7123. (5.) *Imitation cheese placard at place of business; penalty.* Whoever, by himself or his agents, sells "filled cheese," or "skimmed cheese" or any substance made in imitation or semblance of cheese, or as a substitute for cheese, not made entirely from milk or cream, with salt, rennet, and with or without harmless coloring matter, from any dwelling, store, office or public mart, shall have, conspicuously posted thereon the placard or sign, in letters not less than four inches in length "filled cheese sold here," or "skimmed cheese sold here" as the case may be. Any person neglecting or failing to post the placard herein provided for shall be punished by a fine of one hundred dollars for the first offense, and by a fine of one hundred dollars for each day's neglect thereafter.

7124. (6.) *Imitation cheese placards on sides of vehicle.* Whoever, by himself or his agents, peddles, sells, solicits orders for the future delivery of, or delivers from any cart, wagon, or other vehicle, upon the public streets or ways, "filled cheese," or "skimmed cheese" or any substance made in imitation or semblance of cheese, or as a substitute for cheese, not made entirely from milk or cream, with salt, rennet, and with or without harmless coloring matter, not having on both sides of said cart, wagon, or other vehicle, the placard in uncondensed gothic letters not less than three inches in length, "filled cheese" or "skimmed cheese," shall be punished by a fine of not less than fifty nor more than one hundred dollars or by imprisonment in the county jail not less than ten nor more than thirty days for the first offense, and by a fine of not less than one hundred nor more than two hundred dollars or by imprisonment in the county jail not less than twenty nor more than sixty days, or both, for each subsequent offense.

7125. (7.) *Use of imitations in hotels, etc.; penalty.* Whoever, by himself or his agents, furnishes, or causes to be furnished, in any hotel, restaurant, or [at] any

^aSo in Statutes.

lunch-counter "filled cheese," or "skimmed cheese" or any substance made in imitation or semblance of cheese, or as a substitute for cheese, not made entirely from milk or cream, with salt, rennet, and with or without harmless coloring matter, to any guest or patron of said hotel, restaurant, or lunch counter, in the place or stead of cheese, shall notify said guest or patron that the substance so furnished is not cheese, and any person so furnishing without said notice, shall be punished by a fine of not less than ten nor more than fifty dollars for each offense.

7126. (8.) *Cheese brands; records; fees; penalty.* Every manufacturer of full milk cheese may put a brand upon each cheese so manufactured indicating "full milk cheese," with the date and year when made, and no person shall use such a brand upon any cheese made from milk from which any of the cream has been taken. The food and dairy commissioner shall procure and issue to the cheese manufacturers of the state, upon proper application, which application shall be made on or before the first day of April, 1896, and on or before the first day of April of each year thereafter, and under such regulations as to the custody and use thereof, as he may describe, a uniform stencil brand bearing a suitable device or motto, and the words "Ohio state full cream cheese." Every such brand shall be used upon the outside of the cheese, cheese cloth or band around the same, and upon the box or package containing the same, and shall bear a separate number for each separate factory. The said commissioner shall keep a book in which shall be registered the name, location, and number of each manufacturer using the brand, and the name or names of the person or persons in each factory authorized to use the same. No such brand shall be used upon any other but full cream cheese or packages containing the same: provided, that nothing in this section shall be construed to prohibit the manufacture and sale of pure skimmed cheese made from milk that is clean, pure, healthy, wholesome, and unadulterated except by skimming. The commissioner shall receive a fee of one dollar for each registration according to the provisions of this section, such fee to be paid by the person applying for such registration. Whoever, by himself or his agents, violates any of the provisions of this section, shall be punished by a fine of not less than fifty nor more than one hundred dollars or by imprisonment in the county jail not less than ten nor more than thirty days for the first offense, and by a fine of not less than one hundred nor more than two hundred dollars or by imprisonment in the county jail not less than twenty nor more than sixty days, or both, for each subsequent offense.

7127. (9.) *Person defined.* The word "person" as used in this act, shall include persons, corporations and companies.

Passed March 3, 1896. O. L. 1896, ch. 92, p. 51; Laning's Revised Statutes and Recodified Laws, 1905, vol. 1, title 5, ch. 8, pp. 1483-1485.

7092. (1.) *Artificial dairy products; labels.* No person shall sell, expose or offer for sale or exchange, any substance purporting, appearing, or represented to be butter or cheese, or having the semblance of either butter or cheese, which substance is not made wholly from pure milk, or cream, salt and harmless coloring matter, unless it is done under its true name, and each vessel, package, roll or parcel of such substance has distinctly and durably painted, stamped, stenciled or marked thereon the true name of such substance in ordinary bold faced capital letters, not less than five line pica in size, and also the name of each article or ingredient used or entering into the composition of such substance, in ordinary bold faced letters, not [less] than pica in size, or sell or dispose of in any manner to another any such substance without delivering with each amount sold or disposed of, a label on which is plainly or legibly printed in ordinary bold faced capital letters, not less than five line pica in size, the true name of such substance, and also the name of such articles used and entering into the composition of such substance in ordinary bold faced letters, not less than

pica in size, if the same be not made wholly from pure milk, or cream, salt and harmless coloring matter; and the words "butter," "creamery," or "dairy," or any word or combination or words embracing the same, shall not be placed on any vessel, package, roll or parcel containing any imitation dairy product or substance not made wholly from pure milk, or cream, salt, and harmless coloring matter.—*As amended March 21, 1887, 84 O. L., 182.*

7093. (2.) *Manufacture of artificial butter or cheese.* No person or persons shall manufacture out of any oleaginous substance or substances, or any compound of the same other than that produced from unadulterated milk or cream, salt and harmless coloring matter, any article designed to be sold as butter or cheese made from pure milk or cream, salt and harmless coloring matter. Nothing in this section shall prevent the use of pure skimmed milk in the manufacture of cheese.

7094. (3.) *Further restrictions on manufacture.* No person or persons shall manufacture, mix, compound with or add to natural or pure milk, cream, butter or cheese, any animal fats, animal, mineral or vegetable oils, nor shall any person or persons manufacture any oleaginous or other substance not produced from pure milk or cream, salt and harmless coloring matter, or have the same in his possession, or offer or expose the same for sale or exchange with intent to sell or in any manner dispose of the same as and for butter and cheese made from unadulterated milk or cream, salt and harmless coloring matter, nor shall any substance or compound so made be sold or disposed of to any one as and for butter or cheese made from pure milk or cream, salt and harmless coloring matter.

7095. (4.) *False branding of imitations.* No person or persons shall sell, exchange, expose or offer for sale or exchange, dispose of or have in his possession any substance or article made in imitation or resemblance of, or as a substitute for any dairy product which is falsely branded, stenciled, labeled or marked as to the place where made, the name or cream value thereof, its composition or ingredients, or in any other respect.

7096. (5.) *Brands false as to manufactory and quality.* No person or persons shall sell, exchange, expose or offer for sale or exchange, dispose of or have in his possession any dairy products which are falsely branded, stenciled, labeled or marked as to the place where made, date of manufacture, the name or cream value thereof, composition or ingredients, or in any other respect, and cheese wholly made from skimmed milk shall have branded upon the box or can "made from skimmed milk."

7097. (6.) *Card to be displayed by dealers in artificial dairy products.* Every person in this state who shall deal in, keep for sale, expose or offer for sale or exchange, any substance other than butter or cheese made wholly from pure milk or cream, salt and harmless coloring matter, which appears to be, resembles, or is made in imitation of, or as a substitute for butter or cheese, shall keep a card not less in size than ten by fourteen inches, in a conspicuous and visible place where the same may be easily seen and read in the store, room, stand, booth, wagon or place where such substance is, on which card shall be printed, on a white ground, in bold, black, Roman letters, not less in size than twelve line pica, the words, "oleomargarine" or "imitation cheese" (as the case may be), "sold here," and said card shall not contain any other words than the ones above prescribed; and no person shall sell any oleomargarine, suine, imitation cheese, or other imitation dairy product, at retail or in any quantity less than the original package, tub or firkin, unless he shall first inform the purchaser that the substance is not butter or cheese, but an imitation of the same.—*As amended March 8, 1888; 85 O. L., 74.*

7098. (7.) *Card to be displayed by keepers of hotels.* Every proprietor, keeper, or manager, or person in charge of any hotel, boarding house, restaurant, eating house, lunch counter, or lunch room, who therein sells, uses, or disposes of any substance which appears to be, resembles, or is made in, or as an imitation of, or is made as a substitute for butter or cheese, under whatsoever name, and which substance is not

wholly made from pure milk or cream, salt, and harmless coloring matter, shall display and keep a card in a conspicuous place, where the same may be easily seen and read in the dinning, eating, resaturant, and lunch room, and place where such substance is sold, used, or disposed of, which card shall be white and in size not less than ten by fourteen inches, upon which shall be printed in plain, bold, black Roman letters, not less in size than twelve-line pica, the words "oleomargarine sold and used here," or "imitation cheese sold and used here" (as the case may be), and said card shall not contain any other words than the ones above described, and such proprietor, keeper, manager, or person in charge shall not sell, furnish, or dispose of such substance as and for "butter and cheese," made from pure milk or cream, salt, and harmless coloring matter, when butter or cheese is asked for.—*As amended March 8, 1888, 85 O. L., 74.*

7099. (8.) *Fraudulent shipments.* No person or persons shall pack, box, inclose, ship or consign any substance, as butter or cheese made from pure milk or cream, salt and harmless coloring matter, in such a manner as to conceal an inferior article by placing a finer grade of butter or cheese upon the surface of the same.

7100. (9.) *Sale to factories of diluted milk; false accounts.* No person or persons shall sell to any person, or deliver or carry or cause to be carried to any cheese or butter factory to be manufactured, any milk diluted with water or in any way adulterated, or from which any cream has been taken, or milk commonly known as "skimmed milk," or milk from which [the] part known as "strippings" has been withheld with the intent to defraud, or keeps or renders any false account of the quantity or weight of milk furnished at or to any factory for manufacture or sold to any manufacturer.

7101. (10.) *Impure and skimmed milk.* No person or persons shall sell, exchange, or offer for sale or exchange, any unclean, impure, unhealthy, unwholesome milk, or sell, exchange, or offer for sale or exchange as "pure milk," milk diluted with water or milk known as skimmed milk.

7102. (11.) *Milk falsely labeled, etc.* No person or persons shall sell, exchange, expose, or offer for sale or exchange, have in his possession or dispose of in any manner, any milk which is falsely branded, labeled, marked or represented as to grade, quantity or place where produced or procured.

7103. (12.) *Unhealthy cows, etc.* No person shall keep cows for the production of milk for any purpose, in a cramped or unhealthy condition, or feed them on unhealthy food, or upon food that produces impure, unhealthy or unwholesome milk.

7104. (13.) *Condensed milk.* No person shall manufacture, sell, exchange, expose or offer for sale or exchange, any condensed milk, unless the package, can or vessel containing the same shall be distinctly labeled, stamped or marked with its true name, brand, by whom and under what name made, and no condensed milk shall be made, exchanged, exposed or offered for sale or exchange, unless the same be made from pure, clean, healthy, fresh unadulterated and wholesome milk, from which the cream has not been removed, or unless the proportion of milk solids contained in the condensed milk shall be in amount the equivalent of twelve per centum of milk solids in crude milk, and of such solids, twenty-five per centum shall be fat.

7105. (14.) *State institutions.* No butter or cheese not made wholly from pure milk or cream, salt and harmless coloring matter, shall be used in any of the charitable or penal institutions of the state.

7106. (15.) *Penalties.* Any person or persons violating any of the provisions or sections of this act shall, upon conviction thereof, be fined not less than fifty or more than two hundred dollars for the first offense, or for each subsequent offense not less than one hundred dollars or more than five hundred dollars, and be imprisoned not less than ten days or more than ninety days, or both.

Passed May 17, 1886. O. L., 1886, ch. 83, p. 178; Laning's Revised Statutes and Recodified Laws, 1905, vol. 1, title 5, ch. 8, pp. 1480-1482.

7138. Packing and inspection of butter and lard. All butter and lard shall be packed in tight and well seasoned firkins or kegs, on each of which shall be marked with a marking iron, the tare and net weight of the butter or lard therein contained; and the inspector or his deputy shall bore each firkin or keg of butter or lard, and by examining diagonally from one head to the other, with a hollow instrument or searcher, so as to be able to discover the quality of the whole, ascertain that it is clear of mold, or a rancid or musty taste; in which case he shall brand the same, as provided in section 7063 [4278].

Laning's Revised Statutes and Recodified Laws, 1905, vol. 1, title 5, ch. 8, p. 1486.

7447. Records of butter and cheese factories. Every person engaged in the business of manufacturing butter or cheese, or both, for others, shall keep full and accurate accounts of the business, which books and accounts shall show the exact weight of the milk received from others to be manufactured, and the exact weight of the product thereof in butter or cheese, or both; and if milk is received from more than one person, and mixed in the manufacturing thereof, the books and accounts shall show the exact weight of the milk received from each, and the product shall be at the end of the month awarded ratably among the persons whose milk was used therein.

7448. Records of sales by manufacturer. If the manufacturer is authorized to sell the product, the books and accounts shall also show each sale of the product, the place where, and to whom sold, and the price at which sold, the gross proceeds, the commission or compensation, and the net share of each person whose milk was used in the manufacture; and dividends on sales shall be made and paid as contracted for by and between the parties.

7449. Books open to inspection; penalties. The books and accounts above required to be kept, shall be open to the examination of any person interested therein, who shall have the right to take a copy of any account in which he is interested, such examining and copying to be done only at reasonable hours, and without interfering with the keeping of the accounts; and any manufacturer failing to keep the books and accounts herein named, and in the manner herein specified, or who shall unreasonably prevent or obstruct the examination or copying thereof, as aforesaid, or who shall for three days after the time specified in section 7448 [4373 b] of this act, demand therefor, refuse or neglect to deliver to any person the share of the product of such manufacturer, to which he is entitled, or refuse or neglect to pay to any person the share of the proceeds of sale to which he is entitled, shall thereby forfeit all commission or compensation to which he would otherwise be entitled; and shall also be liable for the milk received, to be manufactured, or manufactured and sold, at the highest market price, during the month in which it was delivered: provided, that sections 7447 [4373a], 7448 [4373b] and section 7449 [4373c] shall apply to companies, firms, and corporations engaged in said manufacture, as well as individuals.

Laning's Revised Statutes and Recodified Laws, 1905, vol. 1, title 5, ch. 12, pp. 1544-1546.

3506. Inspectors; veterinarian's certificate; powers of board of health. The board of health may appoint such number of inspectors of dairies, slaughter-houses, shops, wagons, appliances, food and water supplies for animals, milk, meat, butter, cheese and substances purporting to be butter or cheese, or having the semblance of butter or cheese and such other persons as may be necessary to carry out the provisions of this chapter, define their duties, and fix their compensation, and the health officer may be appointed and authorized by said board to perform all the duties of such inspectors; and such inspectors may, for such purpose, enter any house, vehicle, or

yard; and the board of health shall keep for public inspection a record of the names, residences, and places of business of all persons engaged in the sale of milk or meat, and may require permits, to be renewed semi-annually and for which a charge of not more than fifty cents may be made, after inspection, to vend either milk or meat, and the board may refuse to grant such permit or revoke one already given if, upon inspection, the cows or milk are found to be kept in an unsanitary condition; and the board may require a certificate from a licensed veterinarian showing the cows furnishing milk brought for sale within its jurisdiction are free from tuberculosis or other dangerous disease, and should scarlet fever, typhoid or other dangerous contagious or infectious disease occur in the family of any dairyman or among his employes, or in any house in which milk is kept for sale, it shall be the duty of such dairyman or vendor of such milk to immediately notify the health officer of the city, village or hamlet in which such milk is sold, or is offered for sale, of the facts of the case, and the health officer may order the sale of such milk stopped, pending an investigation to be made without delay, and for such time thereafter as the board of health may require; and the board of health may make and enforce such orders as it may deem necessary to prevent the sale of impure, adulterated and unwholesome milk, or milk liable to carry disease.

3507. Inspectors' authority; sampling and analysis. All dairies, including the cows, cow stables, milk-houses, and milk-vessels, the owners of which offer for sale within the limits of the corporation milk or butter manufactured by such owners, shall be subject to inspection by the inspectors, and also any manufactory of butter or cheese, or place where such substances or either of them are sold, shall be subject to inspection by the inspectors; the inspector may enter any place where milk is sold, or kept for sale, and all carriages used for the conveyance of milk within the corporate limits; and also any manufactory or place where butter or cheese, or substances having the semblance of butter or cheese, are manufactured, or any place where such substances are sold, or kept for sale within the corporate limits; and whenever he has any reason to believe milk found therein is impure or adulterated, or any butter or cheese, or substances having the semblance of butter or cheese found therein contain any impure, unwholesome or deleterious substances, or is being sold or offered for sale under any false, or deceptive name or designation, that any butter or cheese not made from pure cream or milk, or any substance having the semblance of butter or cheese, is being sold or offered for sale, without being branded or stamped, as required by section 7090, he shall take specimens thereof, and subject them to satisfactory tests; or, if the board of health so direct, to chemical analysis, the result of which he shall record and preserve as evidence, and a certificate of such result, sworn to by the analyst shall be admissible in evidence in all prosecutions under this chapter, or any law of this state.

Laning's Revised Statutes and Recodified Laws, 1905, vol 1, title 12, div. 6, ch. 1, p. 742.

7128. (1.) Babcock test. In the use of the Babcock test, the standard milk, measures or pipettes, shall have a capacity of 17.6 cubic centimeters; and the standard test tubes or bottles for milk, shall have a capacity of 2 cubic centimeters for each 10 per cent marked on the necks thereof; the standard unit of cream for testing shall be 18 grams, and it is hereby made a misdemeanor to use any other standards of milk or cream measure where milk or cream is purchased by or furnished to creameries or cheese factories and where the value of said milk or cream is determined by the per cent. of butter fat contained in the same by the Babcock test.

7129. (2.) Graduated apparatus. Any manufacturer, merchant, dealer, or agent in this state who shall offer for sale or sell a milk pipette or measure, test tube or bottle, which is not correctly marked or graduated, as herein provided, shall be

guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided in section 4 [7131] of this act.

7130. (3.) *Correct testing.* It shall be unlawful for the owner, manufacturer, agent, or any employee of a cheese factory, creamery or condensed milk factory or other place where milk is tested for quality or value to manipulate or under-read or over-read the Babcock test or any other contrivance used for determining the quality or value of milk or cream or to make any false determination by said Babcock test or otherwise.

7131. (4.) *Penalty.* Whoever shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars.

Approved April 23, 1904. Laws of 1904, (House Bill No. 341), p. 285; Laning's Revised Statutes and Recodified Laws, 1905, title 5, ch. 8, pp. 1485-1486.

FISH.

7150. *Inspection.* Any person taking, in the waters of this state, or bringing or importing into this state, any fish, taken in any waters without this state shall, immediately on bringing such fish on shore, or importing the same into any port or county in this state, except shad, mackerel, and herring, and before any part thereof are sold are bartered, in barrels or casks, or offered for sale or bartered within this state, cause such fish to be inspected and branded by the inspector, at the port or place at which the same are landed, or brought into this state.

7151. *Penalty.* Every person neglecting or refusing to comply with the provisions of the preceding section, shall forfeit and pay for each and every hundred pounds weight of fish so by him sold, or offered for sale, without being inspected and branded as aforesaid, the sum of five dollars, to be recovered by civil action, before any court having jurisdiction thereof, with costs of suit; which suit may be prosecuted in the name of the state.

7152. *Barreled fish—inspection and records.* All fish hereafter sold in barrels or half-barrels in this state, shall be contained in barrels or half-barrels of the description hereafter specified; and before offered for sale, shall be inspected by some inspector, appointed under this chapter, who shall, immediately on application for that purpose, either by himself or deputy, attend and perform the duties of his appointment, and make and keep entries thereof, as provided in section 7065 [4280].

7153. *Construction of barrels; packing regulations.* All fish barrels shall be made of good, sound, and seasoned timber, of such kind as the inspector deems sufficient; and shall be well bound with at least twelve sufficient, smart hoops, or eight flat hoops, not less than two inches broad, secured with at least three nails in each chime hoop, and shall contain two hundred pounds weight of clean fish in each barrel, and one hundred pounds weight of clean fish in each half-barrel; and only one species of fish shall be put or packed into the same barrel or half-barrel; and such fish shall be salted with a quantity of salt, not less than fifty pounds of coarse salt, or fifty-six pounds of fine salt, to each barrel, and in the same proportion to each half-barrel.

7154. *Brands; fee.* The inspector, when inspecting any fish, shall cause the same to be opened and examined, and ascertain that such fish have been properly cleaned and salted, and that the same are of one species and of good quality, and shall cause the same to be packed in scribed^a by the board and be subject to such rules and regulations as it may adopt. In good and sufficient barrels or half-barrels, and the requisite quantity of salt applied, or so much as the inspector may deem necessary for preserving such fish when, in the opinion of such inspector, the same has not been done; and shall brand, or cause the same to be branded, on the head of each

^a So in Statutes.

barrel or half-barrel the word "Ohio," the name of the port or county where inspected, the species of fish, the word and figure "No. 1," or "No. 2," as the same may be of the first or second quality, and the initial letter of such inspector's christian name, and his surname in full; and the fees of the inspector for inspecting half-barrels of fish shall be fifteen cents.

7155. *Cooper's brand.* Each cooper, master cooper, or owner of a coopershop, or other person making casks, barrels, firkins, or other vessels which have to be inspected by any inspector, shall brand or cause to be branded on the head of each cask, barrel, firkin, or other vessel by him made, so to be inspected, the initial letter of his christian name, and his surname in full, with the word "cooper" on its right; the inspector, for the want of such brands, shall condemn all such vessels; and when any barrel, cask, or other vessel to be inspected has the brand of the cooper as aforesaid, and the same is condemned by the inspector, he shall, when so required by any person interested, certify the cause of the inefficiency of such barrel, cask or other vessel, whether the cause of such inefficiency is in the cooperage, or whether it arises from the age, or bad or improper usage of the same after it left the cooper's hands.

7156. *Weight regulations.* A barrel of fish shall contain two hundred pounds, and every package or vessel being or purporting to be a fractional part of a barrel of fish, shall contain a like fractional part of two hundred pounds net, of fish, exclusive of salt, brine, and package; and every barrel or other vessel of fish put up or sold in this state, shall have the number of pounds of fish contained therein distinctly branded upon the head thereof.

7157. *Fish dealer's bond.* Every person or firm engaged in packing, repacking, or selling packed fish in this state, may enter into bond to the state, with sufficient surety to the satisfaction of the clerk of the court of common pleas of the county wherein such person or firm is so engaged, in the penal sum of five thousand dollars, conditioned for the putting up, packing, or repacking, and branding of fish, according to law, which bond shall be deposited and kept in such clerk's office, and may be proceeded on by any person aggrieved by reason of the non-compliance with any condition thereof.

7158. *Bonded dealer may inspect and brand fish; liability.* Every person or firm so entering into bond, may inspect and brand all fish so put up, and packed or sold by him or it; but the brand shall set forth the full name and place of business of such person or firm, the quality, kind, and weight of fish, so put up or sold; and such brand shall be a full guaranty of the facts so set forth, and for any breach thereof, such person or firm shall be liable on such bond.

7159. *Brand of weight, quality and kind; penalty.* No person shall put up or pack any barrel or other vessel, without the weight, quality, and kind of fish contained therein, being branded thereon, or knowingly to sell or offer for sale any such barrel or other vessel of fish put up without being so branded, or having in fact less quantity or a different quality or kind than that represented in the brand, unless the variation is distinctly and plainly noted in writing upon a card fastened upon the head of such barrel or vessel at the time of the sale or of the offer to sell; and every person so offending shall, for every such offense, forfeit and pay a penalty not less than ten nor more than one hundred dollars and costs, recoverable before any justice of the peace having jurisdiction, at the suit and for the use of any person aggrieved, and shall, moreover, be liable in an action for damages.

7160. *Disposal of offal; penalty.* Every person who hereafter takes any fish, to the amount of one or more barrels, within any of the waters of this state, shall bury the offals at least two and a half feet beneath the surface of the earth, or burn the same, within one day after such fish are taken and cleaned; and any person refusing or neglecting to comply with the provisions of this section, shall be fined in any sum

not exceeding fifty nor less than five dollars, with costs of suit, before any justice of the peace of the county in which the offense is committed, on the complaint of any person.

Laning's Revised Statutes and Recodified Laws, 1905, vol. 1, title 5, ch. 8, pp. 1488-1489.

7182. Unmerchantable if barrels do not conform to law; repacking. If, on view, the inspector or his deputy, called upon for that purpose, find that any of the barrels, firkins or kegs, heretofore mentioned, [See also Sec. 7170-7179—Salt] are not made in conformity with the provisions of this chapter, he shall desist from any further inspection of the contents, and judge the same unmerchantable, and thereupon condemn and brand, or mark such barrel or other cask accordingly; but nothing in this section contained, shall be so construed as to prevent a repacking of such articles in proper and sufficient barrels and casks; and when done, may be inspected and passed, if found good and merchantable, as in other cases under this chapter.

7183. Inspector's liabilities; fine. If any inspector or deputy inspector fails or neglects to perform the duties annexed to his office, or purchases stores, freights, or in any wise deals in any article he is appointed to inspect, or is convicted of partiality, or of having acted contrary to the directions of this chapter, he shall forfeit and pay, for every such offense, a sum not exceeding fifty dollars, with costs of suit, to be recovered before any court having jurisdiction thereof, for the use of the county, and shall moreover be removed from office, and be liable to the party injured for damages.

7184. Light weight of any packed food; penalty. Any manufacturer of flour or meal, or packer of meat, butter, lard, or any other packed article sold by weight, who undermarks the tare upon any hogshead, cask, box, or barrel, or part thereof, or puts therein a less quantity than that marked or branded thereon as specified by law, shall forfeit the hogshead, cask, box or barrel, or part thereof, and half the contents therein contained, one-fourth of the whole contents to go to the party injured, who shall prosecute for the same, together with such other damages as he may sustain, and the other fourth to the use of the poor of the township where the conviction is had, the balance to be accounted for to the manufacturer or packer, who shall be notified by the inspector; but such forfeiture shall not take place, nor conviction be had, when the light weight has been occasioned after leaving the manufacturer or packer, provided such packing has been done according to law.

7185. Inspector's certificates. When the inspector condemns any of the articles in this chapter enumerated, he shall forthwith, on demand, deliver to the owner thereof, or his agent, a certificate, distinctly setting forth the time, place, and cause of such condemnation; and when any of such articles have been inspected and declared of good quality and merchantable, he shall, on demand as aforesaid, deliver a certificate thereof, for the benefit of the owner thereof.

7186. Fees. The inspectors appointed under this chapter shall receive the following fees for their services, namely: For each barrel of wheat flour or rye flour, three cents; for each barrel of buckwheat meal, two cents; for each barrel of domestic spirits, five cents; for each barrel of biscuits, six cents; for each firkin or keg of butter or lard, three cents; for packing and inspecting each barrel of pork or beef, twenty cents; for each half-barrel thereof, fourteen cents; for packing, examining and inspecting each barrel of fish, twenty cents; and for inspecting each barrel of pot or pearl ashes, twelve cents.

7187. Offenses of inspectors; penalty. An inspector or deputy inspector who demands or receives any greater sum than is provided in the foregoing section, or directly or indirectly purchases any article by him inspected, and condemned as unfit for exportation, or in any wise unsalable or unmerchantable, shall forfeit and pay, for every

such offense, a sum not exceeding fifty dollars, together with costs of suit, to be recovered before any court having jurisdiction thereof.

7188. Municipal inspectors. This chapter shall not in any manner affect or take away the power to appoint inspectors granted to any municipal corporation.

Laning's Revised Statutes and Recodified Laws, 1905, vol. 1, title 5, ch. 8, p. 1492.

FLOUR.

7066. Flour casks; quality brand; inspection. All flour and meal shall be packed in well-made casks of seasoned timber, twenty-seven inches in length, when finished, with a cut head of seventeen and one-half inches, tightly bound, with ten smart hoops, or six flat hoops two inches broad, secured with four nails in each end hoop, and three nails in each outward bilge hoop; each barrel to contain one hundred and ninety-six pounds of flour or meal, and the tare of the cask shall be marked on the head of each barrel of flour or meal, by the miller, with a marking iron; and the weight of the flour or meal shall be branded on the cask, with a branding iron, to be by him provided for that purpose; and when flour or meal is exhibited for inspection, the inspector shall bore and search the same with a proper instrument, so as to ascertain if it be sweet, and of the kind and quality marked by the miller; and if he judge it sweet and of good quality, he shall plug up the hole tight, and cause the same to be branded, as is prescribed in section 7065 [4280]; but if, on examination, the flour or meal is found to be sour, or of bad quality, or not merchantable, it shall be condemned; but if merchantable, though of a quality inferior to, or different from, that represented by the miller's brand, such brand shall be erased, and the proper quality marked thereon by the inspector.

7067. Miller's brand; penalty. Each miller or mill owner shall brand or cause to be branded, on the head of each barrel or side of each sack the weight and quality of the flour or meal contained therein, and the initial letter of his christian name and his surname in full; or if the mill is owned or operated by more than one person, then the name of such persons or company; and if any miller, mill owner or company shall neglect so to brand the same, or shall pack or expose for sale flour or meal in any barrel or sack of a less quantity or poorer quality than branded thereon, he or they shall forfeit and pay for each offense the sum of ten dollars for the use of the county, and shall be further liable to any party injured in double the amount of damages sustained.

7068. Blank packages of flour. A miller or mill owner manufacturing flour for parties having private brands, may place the name and brand of such parties upon the barrels or sacks containing the flour so manufactured, or the flour may be shipped by the miller or mill owner in blank packages to such parties, who shall place thereon their names and brands before offering the same for sale; and the parties receiving flour in blank packages shall be liable to the penalties of this chapter whenever the same is offered for sale before the name and brand of the parties so receiving the flour is stamped upon the packages containing it.

7069. Unmerchantable flour, etc., penalty. A miller or other person who packs, or causes to be packed, any bran, shorts, middlings, or unmerchantable flour, with intent to defraud any person, shall forfeit and pay for every such offense not less than one hundred nor more than five hundred dollars, for the use of the county, to be recovered before any court of competent jurisdiction, and, moreover, be liable to the action of the party injured for damages; and the statement of the amount and quality so placed upon such barrels or sacks shall be taken and held to be a warranty of the facts stated.

Laning's Revised Statutes and Recodified Laws, 1905, vol. 1, title 5, ch. 8, pp. 1475-1476.

7139. Biscuit casks; branding and inspection. All casks wherein biscuit are packed for exportation shall be of the same size and quality as those specified for flour in this chapter; the tare and net weight marked thereon with a marking iron, a true invoice of which shall be delivered by the owner to the inspector, or his deputy, when called on to inspect the same; and the inspector or his deputy shall thereupon proceed to unhead each cask and inspect the same, and if he judge it to be good and merchantable, he shall brand the same as directed by section 7063 [4278].

Laning's Revised Statutes and Recodified Laws, 1905, vol. 1, title 5, ch. 8, p. 1487.

ICE.

3499. Permit for cutting ice. No ice shall be cut for the purpose of being sold or used for domestic purposes in any city or village of this state from any pond, lake, creek or river within the limits of any such city or village, unless a permit therefor shall first be obtained from the board of health of such city or village, and no person or persons shall sell or deliver any ice in any city or village in this state for domestic purposes without first obtaining a permit therefor from the board of health of such city or village, and it shall be lawful for any such board of health to refuse a permit and to revoke any granted by them, as aforesaid, when in their judgment the use of any ice cut or sold, or to be cut or sold, for domestic purposes, under the same is or would be detrimental to the public health.

3500. Board of health may prohibit use of ice if unsuitable. The board of health of any city or village may prohibit the sale or use of any ice for domestic purposes within the limits of such city or village when, in their judgment the same is unfit for use, and the use of the same would be detrimental to the public health and the said board may prohibit and through its officers stop, detain, and prevent the bringing of any such ice for the purpose of sale or use for domestic purposes into the limits of such city or village, and also in the same manner stop, detain and prevent the sale of any such ice for domestic purposes within the limits of such city or village when, in their judgment the same is unfit for use, and the use of the same would be detrimental to the public health, and the said board may prohibit and through its officers stop, detain and prevent the bringing of any such ice for the purpose of sale or use for domestic purposes into the limits of any such city or village, and also in the same manner stop, detain and prevent the sale of any such ice for domestic purposes found within the limits of such city or village.

3501. Penalty. Whoever violates any provisions of this act, or any order or regulation of the board of health made in pursuance thereof, shall be fined in any sum not exceeding one hundred dollars.

Act of April 16, 1900, as amended April 29, 1902, Laws of 1902, No. 68, p. 330; Laning's Revised Statutes and Recodified Laws, 1905, vol. 1, title 12, div. 6, ch. 1, pp. 740-741.

MAPLE PRODUCTS.

7132. (1.) Maple-sugar and sirup—definition. Maple sugar, or pure maple sugar, and maple syrup, or pure maple syrup, shall be the unadulterated product produced by the evaporation of pure sap from the maple tree.

7133. (2.) Maple sugar and sirup—standard. • The standard of weight of a gallon of maple syrup of 231 cubic inches in the state of Ohio, shall be eleven pounds. Any other substance mixed with maple sugar or maple syrup or any other substance purporting to be maple sugar or maple syrup of less weight than eleven pounds to the gallon of 231 cubic inches shall be deemed to be an adulteration of such substance.

7134. (3.) Adulterated maple sugar and sirup. Any person who shall manufacture for sale, offer for sale, or have in his possession with intent to sell, or sell or deliver

as and for maple syrup or maple sugar any adulteration of maple syrup or maple sugar as herein defined shall, upon conviction, be punished as provided in section 6 [7137] of this act.

7135. (4.) *Maple products—branding.* Any person who shall offer for sale, have in his possession with intent to sell, or sell or deliver as and for maple syrup, or as and for maple sugar, any articles which do not bear the name and address of the packer and also the state, territory or country in which the goods were produced, in plain legible type upon the label, shall upon conviction, be punished as provided in section 6 [7137] of this act.

7136. (5.) *Misbranding of adulterated products.* Any person who shall offer for sale, have in his possession with intent to sell, or sell or deliver any adulteration of maple syrup or maple sugar in any box, can, bottle or other package having the word "Maple" or any compounding of this word, as the name or part of the name of the syrup or sugar or any device or illustration suggestive of maple syrup or sugar or the manufacture thereof, shall, upon conviction, be punished as provided in section 6 [7137] of this act.

7137. (6.) *Penalty.* Any person who violates any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty nor more than two hundred dollars and shall pay the costs of prosecution.

(7.) *Repeal.* The above mentioned original act, passed April 16, 1900, is hereby repealed and this act shall take effect sixty days after its passage.

Approved March 24, 1904. Laws of 1904, (Senate Bill No. 79), p. 46; Laning's Revised Statutes and Recodified Laws 1905, vol 1, title 5, ch. 8, p. 1486.

MEAT.^a

7070. *Construction of barrels.* All barrels for beef or pork shall be made of sound, well-seasoned white oak timber, clear of sap wood, twenty-nine inches in length when finished, with a cut head of seventeen and a half inches in diameter, tightly bound with strong hoops, one-third of the length thereof, at each end; and when packed and headed up, the outward hoop on each end shall be secured with four nails of suitable size.

7071. *Construction of half-barrels.* All half-barrels for beef or pork, shall be made of sound, well-seasoned white oak timber, clear of sap, twenty-four inches in length, with a cut head fourteen inches in diameter, bound with hoops one-third the length of such half-barrel, at each end; the outward hoops thereof being secured with at least three nails of suitable size.

7072. *Packing regulations; grades of beef.* Each barrel of beef or pork, put up for exportation, shall contain two hundred pounds weight of sound, clean, well slaughtered meat, and such only as is well fattened, which shall be denominated as follows: "Mess beef," shall be cut, as nearly as possible, into well formed pieces of ten pounds, so that twenty pieces shall make the weight, and shall be well assorted, excluding legs, leg rounds, necks and shoulder clots; "prime beef," shall be cut in like manner, and shall be well assorted, but may include not exceeding two leg rounds leaving out the point of the neck and all clotted pieces; fifty pounds of clean, fair, dry salt, and four ounces of salt peter shall be put into each barrel; and when the barrel is packed and headed, it shall be filled up with strong pickle.

7073. *Grades of pork.* Each barrel of "prime pork" shall consist of twenty-five pieces, weighing eight pounds each, as nearly as possible, making two hundred pounds, which may include one head and a half, and six shanks, excluding the legs, ears, and snouts, so as to be composed of the assorted meat of one hog and a half; or

^aSee also General Food Laws and Dairy Products.

in lieu thereof, three shoulders, one head and a half, exclusive of the legs, snouts, and ears, and remainder in side pieces. Each barrel of "mess pork" shall consist of twenty-five pieces, of eight pounds weight, each, as nearly as possible, making two hundred pounds of pork, taken from the middlings or sides of hogs weighing upward of two hundred pounds each. Each barrel of "navy pork" shall consist of twenty-five pieces, of eight pounds each, as nearly as possible, making two hundred pounds of pork, assorted, excluding all shanks and faces, no hog to weigh less than one hundred and fifty pounds net. The pieces of pork shall be packed on the edge, with at least fifty pounds of clean, fair salt, and two ounces of salt peter, to each barrel; and when thus packed and headed each barrel shall be filled up with strong pickle.

Laning's Revised Statutes and Recodified Laws, 1905, vol. 1, title 5, ch. 8, p. 1477.

SALT.

7170. *Constructions of barrels; branding.* All manufacturers of salt in the state shall have the same well and sufficiently drained, and packed in good barrels, made of good, sound, seasoned timber; the head and bilge hoops to be well nailed with not less than four nails in each hoop; one head shall be bored with some metallic instrument not less than one inch in size; the name of the manufacturer shall be distinctly branded on the head of each barrel; and all salt sold at the manufactory shall be marked with the net weight in figures, directly under the same, with good, durable paint.

7171. *Fine.* Any manufacturer refusing to comply with the next preceding section, shall be fined for each offense the sum of fifty cents per barrel, which may be collected before any court having jurisdiction thereof, in a civil action, by any person taking cognizance of the same.

7172. *Exemption.* Nothing in this chapter shall be so construed as to prohibit the manufacturers from shipping salt in bulk.

7173. *Inspection of imports.* All salt manufactured out of and imported into this state, in barrels or casks, at any place where an inspection of salt is established, unless previously inspected before the same is sold, removed, or shipped from the place of landing, or before the same shall be permitted to enter this state, shall be inspected as hereinafter directed; but nothing in this chapter shall be so construed as to subject salt to be inspected that is landed and intended to be reshipped to any other state.

7174. *Exemption.* Nothing in this chapter shall be so construed as to require the reinspection of any salt imported from, and previously inspected in accordance with the laws of, any other state of the United States.

7175. *Sampling; grades; branding.* Every inspector of salt, appointed under the provisions of this chapter, shall immediately thereafter, provide himself with an auger, such as is used by the inspectors of flour, and shall bore a hole in the head of each barrel or cask by him inspected, not exceeding one inch in diameter, and shall run the auger through to the other end of such barrel or cask, in a diagonal direction, and shall procure a fair sample of the salt; and if the salt is of the first quality, he shall inscribe on the head thereof, in fair and legible characters, "No. 1," and if of the second quality, he shall inscribe in like manner, "No. 2," and if of a very inferior quality, he shall inscribe the letter "R," thereon, which will stand for "refused," or "rejected," which he shall cause to be branded above his name; and he shall cause a brand to be made for that purpose.

7176. *Fee.* The inspector shall receive from the person who owns or has charge of the salt, at the time of the inspection, three cents for each barrel or cask by him inspected.

7177. *Inspection of imported salt.* Importers of salt shall call upon the inspector, and place the salt in some convenient situation to be inspected; and the inspector shall inspect and brand the same with all reasonable dispatch.

7178. *Fine for selling without inspection.* Any person who sells any salt, liable to inspection by this chapter, at any place where an inspection is established, or removes or permits the same to be removed from the place of landing, without having the same inspected, shall forfeit and pay the sum of one dollar for each and every barrel or cask by him sold, removed or permitted to be removed, to be recovered in a civil action in the name of the state, by any person suing for the same, before any justice of the peace of the county in which such offense is committed; but if any salt is once regularly inspected by virtue of this chapter, by any inspector of salt in this state, such salt shall not be required to undergo an inspection at any other place.

7179. *Tare regulations.* The inspector of salt shall regulate the tare of barrels as follows: all barrels weighing less than three hundred pounds shall be tared at thirty pounds; all barrels weighing over three hundred and less than four hundred, shall be tared thirty-five pounds; and all barrels weighing over four hundred pounds shall be tared forty pounds.

Laning's Revised Statutes and Recodified Laws, 1905, vol. 1, title 5, ch. 8, pp. 1490-1491.

VINEGAR.

7227. (1.) *Standard.* No person shall manufacture for sale, offer or expose for sale, sell or deliver, or have in his possession with intent to sell or deliver, any vinegar not in compliance with the provisions of this act. No vinegar shall be sold as apple, orchard or cider-vinegar which is not the legitimate product of pure apple-juice, known as apple-cider; or vinegar not made exclusively of said apple-cider; or vinegar into which foreign substance, drugs or acids have been introduced, as may appear upon proper test, and upon said test shall contain not less than two per cent., by weight, of cider-vinegar solids upon full evaporation at the temperature of boiling water.

7228. (2.) *Fermented and distilled vinegar; coloring; acetic strength.* All vinegar made by fermentation and oxidation without the intervention of distillation shall be branded "fermented vinegar," with the name of the fruit or substance from which the same is made. And all vinegar made wholly or in part from distilled liquor shall be branded "distilled vinegar," and all such distilled vinegar shall be free from coloring matter added during or after distillation and from color other than that imparted to it by distillation. And all fermented vinegar not distilled shall contain not less than two per cent., by weight, upon full evaporation (at the temperature of boiling water), of solids, contained in the fruit or grain from which said vinegar is fermented, and said vinegar shall contain not less than two-and-a-half-tenths of one per cent. ash or mineral matter, the same being the product of the material from which said vinegar is manufactured. And all vinegar shall be made wholly from the fruit or grain from which it purports to be or is represented to be made, and shall contain no foreign substance, and shall contain not less than four per cent., by weight, of absolute acetic acid.

7229. (3.) *Injurious ingredients; branding.* No person shall manufacture for sale, offer for sale, or have in his possession with intent to sell, any vinegar found upon proper test to contain any preparation of lead, copper, sulphuric or other mineral acid, or other ingredients injurious to health. And all packages containing vinegar shall be branded on the head of the cask, barrel or keg containing such vinegar, or if sold in other packages that each package be plainly marked with the name and

residence of the manufacturer, together with brand required in section two [7228] hereof.

7230. (4.) *Penalty.* Whoever violates any of the provisions of this act shall, upon conviction, be fined not less than fifty dollars nor more than one hundred dollars, or imprisoned not less than thirty days nor more than one hundred days, or both, and shall be adjudged to pay in addition all necessary costs and expenses incurred in inspection and analyzing such vinegar.

7231. (4.) *Penalty; a brands on casks of vinegar; manufacturing farmer.* Whoever violates any of the provisions of this act shall, upon conviction, be fined not less than fifty dollars nor more than one hundred dollars, or imprisoned not less than thirty days nor more than one hundred days, or both, and shall be adjudged to pay, in addition, all necessary costs and expenses incurred in inspection and analyzing such vinegar.

Every person making or manufacturing cider vinegar, who is not a domestic manufacturer of cider or cider vinegar, shall brand on each head of the cask, barrel or keg containing such vinegar, the name and residence of the manufacturer, the date when same was manufactured, and the words "cider vinegar." And no vinegar shall be branded "fruit vinegar" unless the same be made wholly from apples, grapes, or other fruit.

Provided, that nothing in this bill shall be construed to prevent any farmer from manufacturing for his own private use, or offering for sale, not to exceed twenty-five barrels in any one year, pure cider or other fruit vinegar, branding the same "domestic cider vinegar," with name and date of manufacturer, and when so branded, shall be sufficient guarantee of its purity.—*As amended April 21, 1898, 93 O. L., 185.*

7232. (5.) *Penalty.* Whoever violates any of the provisions of this act shall, upon conviction, be fined not less than fifty dollars nor more than one hundred dollars or imprisoned not less than thirty days, nor more than one hundred days, or both; and shall be adjudged to pay in addition all necessary costs and expenses incurred in inspecting and analyzing such vinegar. And all vinegar not in accordance with this act shall be subject to forfeiture and spoliation.

Passed March 30, 1896. 92 O. L., 100; Laning's Revised Statutes and Recodified Laws, 1905, vol. 1, title 5, ch. 8, p. 1499.

WATER.

10568. Whoever maliciously puts any dead animal, carcass, or part thereof, or any other putrid, nauseous, noisome, or offensive substance, into or in any manner befouls, any well, spring, brook, or branch of running water, or any reservoir of water-works, of which use is or may be made for domestic purposes, shall be fined not more than fifty nor less than five dollars, or imprisoned not more than sixty days, or both.

Laning's Revised Statutes and Recodified Laws, 1905, vol. 1, title 1, ch. 7, p. 2068.

3709. *Water supply—municipal.* The jurisdiction of any municipal corporation to prevent the pollution of its water supply and to provide penalty therefor, shall extend twenty miles beyond the corporation limits. Whoever pollutes any running stream, the water of which is used for domestic purposes by any municipality by putting therein any putrid or offensive substance, (other than fresh or salt water), injurious to health shall be guilty of a misdemeanor, which shall be punishable by a fine of not less than five nor more than five hundred dollars. It shall be the duty of the

^aRepetition of section 4 occurs in statutes.

board of public service or board of trustees of public affairs of any municipal corporation to enforce the provisions of this section.

Laning's Revised Statutes and Recodified Laws, 1905, vol. 1, title 12, div. 8, ch. 1, p. 779.

RULINGS OF STATE DAIRY AND FOOD COMMISSIONER.

Artificial color in canned tomatoes.—Beginning with the tomato crop of 1905, the attitude of the Ohio State Dairy and Food Department will be against the use of artificial coloring in canned tomatoes or tomato catsup. Harmful preservatives are ALWAYS forbidden.

Coloring matter in noodles, vermicelli, etc.—After July 1, 1905, no coloring matter will be permitted in noodles or egg noodles, spaghetti or egg spaghetti, vermicelli or egg vermicelli, macaroni or egg macaroni, except such as may be imparted by the eggs used in the manufacture of the articles above mentioned.

OKLAHOMA.

The Territory of Oklahoma has no officer charged with the enforcement of its food laws with the exception of the powers of the board of health, mentioned below.

GENERAL FOOD LAWS.

SEC. 3. *Condemning impure food.* It shall be the duty of the board of health to examine applicants and grant licenses to those found to be qualified, and entitled to the same, to quarantine against outside territory known to be infected with contagious or infectious diseases, to condemn and destroy impure and diseased articles of food offered or exposed for sale in the Territory and to act in conjunction with the county and municipal boards of health.

SEC. 9. *Repeal.* Chapter eight of the statutes of Oklahoma, 1893, together with all acts and parts of acts in conflict herewith, are hereby repealed.

SEC. 10. *Date of taking effect.* This act shall take effect and be in force from and after its passage and approval.

Approved March 12, 1903. Session Laws, 1903, ch. 5, p. 89.

2355. (16) *Adulterated or diluted food, drink, or drugs.* Every person who adulterates or dilutes any article of food, drink, drug, medicine, strong, spirituous or malt liquor or wine, or any article useful in compounding either of them, whether one useful for mankind or for animals, with a fraudulent intent to offer the same, or cause or permit it to be offered for sale as unadulterated or undiluted, and every person who fraudulently sells or keeps or offers for sale the same as unadulterated or undiluted, knowing it to have been adulterated or diluted, is guilty of a misdemeanor.

2356. (17) *Spoiled or unwholesome food.* Every person who knowingly sells, or keeps or offers for sale, or otherwise disposes of any article of food, drink, drug or medicine, knowing that the same has become tainted, decayed, spoiled or otherwise unwholesome or unfit to be eaten or drank, with intent to permit the same to be eaten or drank by any person or animal, is guilty of a misdemeanor.

Revised and Annotated Statutes, 1903, vol. 1, ch. 25, p. 622.

2534. (1) *Sale of diseased or unwholesome provisions.* Any person who shall sell any kind of diseased, corrupted or unwholesome provisions, whether meat or drink, without first making the fact fully known to the buyers, shall be punished by imprisonment in the county jail not more than six months, or by fine not exceeding one hundred dollars.

2535. (2) *Fraudulent adulteration of liquors, candy, etc.* Any person who shall fraudulently adulterate, for the purpose of sale or shall offer for sale any substance intended for food, or any wine, spirits, malt or other spirituous liquors, or any other fluid, intended for drinking, or any candy or sweetmeat with any substance, coloring

matter, or anything poisonous, deleterious or injurious to health, or any article of food or drink that is not just what in its purity represented to be, or who shall manufacture, sell or offer for sale, any such adulterated food, liquor, candy or sweet-meat, shall be punished by imprisonment in the county jail not more than one year or by fine not exceeding two hundred dollars, and articles so adulterated shall be forfeited and destroyed.

Revised and Annotated Statutes, 1903, vol. 1, ch. 25, p. 649.

ALCOHOLIC BEVERAGES.

3409. (15) Every person so licensed, or any other person, who shall intentionally or otherwise sell or give away, or direct or permit any person or persons in his employ to sell or give away, any malt, spirituous or vinous liquors which shall be adulterated with strychnine, strontia, sugar of lead, or any other substance, shall forfeit any^a pay the sum of one hundred dollars for every such offense. An analysis made by a practical chemist shall be deemed competent testimony under the provisions of this section.

Revised and Annotated Statutes, 1903, vol. 1, ch. 49, p. 844.

DAIRY PRODUCTS.

2541. (8) Any person who shall bring or send to any other person or company or corporation, to be used for the manufacture of butter or cheese, or who shall sell, furnish or supply to any other person, to be used in any manner whatever any milk drawn from a cow not in proper condition of health, or any milk adulterated by any deleterious substances, or that has been adulterated with water, or colored by any substance whatsoever, shall be punished by imprisonment in the county jail not more than thirty days or by fine not exceeding fifty dollars, and shall be civilly liable to to the party wronged in a sum of not less than fifty dollars.

Revised and Annotated Statutes, 1903, vol. 1, ch. 25, p. 650.

MEAT.

SEC. 1. *Procedure when regular inspection is not available.* In rural districts, where there is no convenient resident inspector or deputy inspector, when any resident citizen of such district desiring to slaughter for sale to the public any cattle or other animals for food within such district, may, instead of obtaining regular inspection, call any two of his immediate neighbors, who are not related to him nor to each other, nor owners of any interest in such cattle, nor in any other property in which he owns an interest and who know his cattle, and who may consent to do so, to inspect such cattle for slaughter; and if, immediately before slaughtering the same, such inspectors find upon examination of the cattle and from their own prior knowledge of the same, or of those with which it has long been associated that the cattle to be slaughtered is not affected nor infected with any disease which would render it unfit for human food and is otherwise fit for such food, such inspectors may deliver to the person desiring to slaughter the same a written statement, over their signatures, as to the facts so found and believed; and in such cases regular inspection may be dispensed with: Provided, however, such cattle and other animals for food must be slaughtered immediately after such inspection. And, provided, further, the privileges of this Act shall only extend to and be available to the owners of cattle so slaughtered; and only when regular inspection can not be reasonably had.

^a So in Statutes.

SEC. 2. *Penalty.* Any person called and inspecting any cattle and other animals for food under the provisions of this Act who shall fail to exercise reasonable care and diligence in examining the same and in making inquiries in that regard or who shall willfully make any false or misleading statement authorizing or causing the person desiring to slaughter such cattle or other animals for food for sale to the public to do so, shall be deemed guilty of a misdemeanor and punished accordingly by fine of not less than fifty dollars and imprisonment in the county jail thirty days.

SEC. 3. *Effect.* This Act shall take effect and be in force from and after its passage and approval.

Approved February 23, 1905. Session Laws of 1905, ch. 3, art. 2, pp. 47-48.

OREGON.

The Oregon dairy and food commissioner is charged with the enforcement of all the food laws of the State. He is elected by popular vote, as in the case of other State officers, and has authority to appoint deputies and other employees. At the last meeting, the legislature passed a new general food law which superseded all earlier legislation on this subject. There has not yet been time to test the efficiency of the new laws.

GENERAL FOOD LAWS.^a

2118. Penalty for sale of unwholesome provisions. If any person shall knowingly sell any kind of diseased, corrupted, or unwholesome provisions, whether for meat or drink, without making the same fully known to the buyer, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than fifty nor more than five hundred dollars.

2119. Sale of adulterated foods. If any person shall adulterate for the purpose of sale any substance intended for meat or drink with any substance injurious to health, or shall sell or offer for sale any substance so intended, knowing the same to be so adulterated, such person, upon conviction thereof, shall be punished in the manner provided in section 2118.

Bellinger and Cotton's Annotated Codes and Statutes, 1902, vol. 1, ch. 9, pp. 733-734.

2121. Unwholesome foods, etc., unlawful. It shall be unlawful for any person or persons to sell or exchange, or expose for sale or exchange, any unwholesome, unclean, tainted, or diseased foods or medicines of any kind whatever.

2122. Penalty. Whosoever violates any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than six months. Justices' courts shall have jurisdiction of all cases arising under this act.

2123. Analysis of foods bought as pure; fee for analysis; disposition of such moneys. If any person or persons shall have purchased foods, drinks, medicines, or fertilizers, believing them to be pure and unadulterated, which shall prove by analysis or tests to be adulterated, such person or persons shall not be deemed guilty under this act: Provided, that such person or persons pay to the state dairy and food commissioner the sum of ten dollars in case of analysis or five dollars for each test made by him to determine the quality of such foods, drinks, medicines, or fertilizers, as the case may be, and who shall, after being informed of such adulteration, at once mark the same as required by section 2121; all moneys collected by the commissioner for making analysis shall be paid by the commissioner to the state agricultural college for making tests, to be credited to the state, and become a part of the state appropriation to defray the expenses of the enforcement of this act.

Bellinger and Cotton's Annotated Codes and Statutes, 1902, vol. 1, ch. 9, p. 734.

^aSee also Dairy Products.

ALCOHOLIC BEVERAGES.^a

SEC. 48. *Preservatives in cider prohibited.* No person shall manufacture or sell cider, or any preparation thereof containing salicylic acid, formaline preservative, antifermen-t, or any other drug, chemical, or substance that is injurious to the human system.

SEC. 54. *Adulteration of wines defined.* All wines containing alcohol, except such as have been produced by natural fermentation of pure, undried fruit juices, or com-bined with distilled spirits, whether denominated wines, or by any other name, which may be used as a beverage, or combined with other liquors intended for use, and all compounds of the same with pure wine, and all preserved fruit juices com-pounded with substances not produced from undried fruit intended for use as a bev-erage, or for use in the fermentation or preparation of liquors intended for such use, and all wines, imitations of wines or other beverages produced from fruit which shall contain alum, baryta, salts, caustic lime, carbonate of soda, carbonic acid, salts of lead, glycerine, salic acid, or any other antisepctic coloring matter not produced from undried fruit, artificial flavoring, essence of ether, or any other foreign sub-stance injurious to health shall be known as or deemed to be adulterated wine, and shall not be sold, offered for sale, or manufactured with intent to sell within the State. All such wine and every such beverage shall be deemed a public nuisance and forfeited to the State and summarily seized and destroyed by any health officer within whose jurisdiction it shall be found, and the reasonable expense of such seizure shall be a county charge.

SEC. 55. *Pure wine defined.* For the purpose of this article, pure wine shall be deemed to mean the fermented juice of undried grapes or other undried fruits, but the addition of pure sugar to perfect wine or distilled wine to preserve it, not to exceed 8 per cent of its value, or the use of things necessary to clarify or refine the wine, not injurious to health, shall not be construed as adulteration if such wine con-tain at least 75 per cent of pure grape or other undried fruit juices.

SEC. 56. *Half wine and made wine defined; stamps or labels.* For the purpose of this act, any wine that contains less than 75 per cent and more than 50 per cent of pure grape or other undried fruit juice, and is otherwise pure, shall be known as half wine, and upon each and every package of such wine manufactured with intent to sell, sold or offered for sale within this State, if containing more than three gallons, there shall be stamped on both ends of the package containing the same, in black printed letters at least one inch in height, the proper proportion in width, the words "Half Wine," and if containing more than one quart and not more than three gal-lons, there shall be stamped on each package in plain printed black letters at least one-half inch high, and of the proper proportion as to width, the words "Half Wine," and in a package or bottle of one quart or less, there shall be placed a label, securely pasted thereon, having the words "Half Wine" plainly printed in black letters, at least one-quarter of an inch high, and of the proper proportion as to width. If any number of small packages is enclosed in a larger package, as a box, barrel, case, or cask, such outside package shall have thereon the stamp "Half Wine" in letters of a size according to the size of such outer package. Every person who shall sell, offer for sale, or manufacture with intent to sell any wine containing less than 50 per cent of pure grape or other undried fruit juice, and otherwise pure, shall cause all the packages containing the same to be stamped, marked and labeled with the words "Half Wine," so required in this section to be stamped, marked and labeled, and all such wine shall be known and sold as "Made Wine."

Filed February 22, 1905. Laws of 1905, ch. 209, pp. 359, 361-362.

^aSee Dairy Products for general provisions, penalties, appropriations, etc., apply-ing also to these sections.

CONFECTIONERY.

2124. Addition of injurious ingredients. No person shall, by himself, his servants, or agent, or as servant or agent of any other person, persons, or corporation, manufacture for sale, or knowingly sell or offer to sell any candy or other confectionery adulterated by the admixture of terra alba, barytes, talc, or any other mineral substance, or by poisonous colors or flavors or other ingredients injurious or detrimental to the health of consumers.

2125. Penalty; destruction of candy; jurisdiction. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars, or sentenced to the county jail for a period not exceeding six months; and, in addition to said fine or punishment, the candy so adulterated shall be forfeited and destroyed by order of the court having jurisdiction of the offense. Justices' courts shall have jurisdiction of all cases arising under this act.

2126. Enforcement. It shall be the duty of the Oregon state food and dairy commissioner to enforce the provisions of this act.

2127. Analyses. It shall be the duty of the chemist of the state agricultural college to correctly analyze any and all substances the said commissioner may send him for the purpose of carrying out the provisions of this act.

Approved February 16, 1899. Laws of 1899, p. 45; Bellinger and Cotton's Annotated Codes and Statutes, 1902, vol. 1, ch. 9, p. 735.

DAIRY PRODUCTS.

SEC. 1. Dairy and food commissioner; term of office; salary. At the general election held in June, 1908, and every four years thereafter, there shall be elected by the electors of the State of Oregon, a commissioner who shall be known as the "Oregon Dairy and Food Commissioner," who shall hold his office for a term of four years, and until his successor is elected and qualified, who shall qualify within thirty days from the time of his election, by taking and filing an oath to faithfully perform the duties of said office with the Secretary of State, who shall receive for his salary the sum of two thousand dollars (\$2,000) per year from and after the passage of this act, and his actual traveling, office and other expenses incurred in the discharge of the duties of his office, not to exceed twelve hundred dollars (\$1,200) per year, said money to be used for the expenses actually incurred in the performance of duty connected with the execution of the work pertaining to the office, and to be allowed and paid upon vouchers verified under oath and filed with the Secretary of State; *provided*, that the present Dairy and Food Commissioner elected at the general election held in June, 1904, shall continue to hold said office until his successor is elected and qualified and shall have all the power and perform all the duties of the Dairy and Food Commissioner herein provided; and the expense fund of one thousand two hundred dollars per year herein provided for shall be available at once.

SEC. 2. May appoint deputy—chemist—duties. Said commissioner may, at any time after the passage of this act, appoint one deputy who shall have the qualifications of a chemist; said deputy shall take and file with the Secretary of State an oath to faithfully perform the duties of said office, and shall receive for his salary the sum of one thousand two hundred dollars per annum, and shall hold his office during the pleasure of said commissioner, and the said deputy shall perform such duties as said commissioner may prescribe for carrying out of ^a the provisions of this act.

SEC. 3. Duties of commissioner defined—office at Portland. The said commissioner may also appoint other deputies who shall take and file a like oath, and shall hold

^aSo in Statutes.

their office during the pleasure of the commissioner, and who shall perform the duties prescribed by the commissioner, and who shall be compensated by the commissioner. It shall be the duty of said commissioner to visit and inspect, in person or by deputy, every creamery and cheese factory operated within the State of Oregon, as often as possible, and not less than once in each year, and he shall also visit and inspect as often as possible, the dairy herds of the State, and the methods of feeding, caring for, and stablising the same. The person elected as Dairy and Food Commissioner shall collect and disseminate such information as is calculated to develop the dairy industry within the State. The said commissioner shall establish his office in the City of Portland, in this State, and shall upon complaint being made by any citizen of the State of Oregon, or without such complaint if in his opinion necessary, examine into any case of violation or supposed violation of the provisions of this act, or any of them. He shall keep a full and correct account of all business done by him, or his deputies, chemists, or agents, and report the same to the legislature.

SEC. 4. *Adulterated food—unlawful to manufacture or sell.* No person shall within this State manufacture for sale, have in his possession with the intent to sell, offer, or expose for sale, or sell any article of food which is adulterated, within the meaning of this act.

SEC. 5. *What the term shall include.* The term "food," as used herein, shall include all articles used for food or drink, or intended to be eaten or drunk by men, whether simple, mixed, or compound.

SEC. 6. *Adulteration defined.* An article shall be deemed to be adulterated within the meaning of this act:

First. If any substance has been mixed with it so as to lower or depreciate, or injuriously affect its quality, strength, or purity.

Second. If any inferior or depreciating substance has been substituted wholly or in part for it.

Third. If any valuable or necessary consistent^a or ingredient has been wholly or in part abstracted from it.

Fourth. If it is in imitation of or sold under the name of another article.

Fifth. If it contains wholly^a or any part of the diseased, decomposed, putrid, tainted or rotten animal or vegetable substance or article, whether manufactured or not. Or in case of milk, if it is the product of a diseased animal.

Sixth. If it is colored, coated, polished, or powdered, whereby a damaged or inferior article is sold, or if made to appear better or of greater value than it really is.

Seventh. If it contains any added substance or ingredients which is poisonous or injurious to health.

Eighth. Butter that contains more than 16 per cent water.

Ninth. Milk that contains more than 88 per cent water.

Tenth. Milk that contains less than 3.2 per cent butter fat.

Eleventh. Milk that contains less than 9 per cent solids, other than butter fat, and less than 1.038 specific gravity after the cream has been removed.

Twelfth. Ice cream that contains less than 12 per cent butter fat.

Thirteenth. Cream that contains less than 20 per cent butter fat.

Fourteenth. Evaporated or condensed milk and cream that contains less than 22 per cent of pure milk solids, 25 per cent of which shall be pure butter fat; provided, that evaporated condensed milk and cream that contains the solids therein provided may be labeled "Evaporated Cream."

Provided, that nothing in this act shall prevent the coloring of pure butter or cheese with harmless coloring of which annatto is the principal ingredient; *provided further,* that the provisions of this act shall not apply to a mixture or compound

^a So in Statutes.

recognized as ordinary articles or ingredients of food in which every package sold or offered for sale has the name and address of the manufacturer and be distinctly labeled under its own distinctive name and in a manner to plainly and correctly show that it is a mixture or compound.

SEC. 7. *Butter—regulation of manufacture and sale.* It shall be unlawful for any person to offer or expose for sale, or sell reworked butter or mixed butter unless the same is plainly marked "process butter," and it shall be unlawful for any person to offer or expose for sale any tub or packed butter remolded into prints, or rolls, or squares, unless the same is plainly marked "tub butter," and it shall be unlawful for any person to offer or expose for sale reworked, mixed, or remolded butter, and to make or print said butter with the stamp of any creamery or with the words "creamery butter." And it shall be unlawful to sell or expose for sale any diseased, unclean, impure, or unwholesome food or drink of any description.

SEC. 8. *Sale of adulterated butter prohibited—oleomargarine.* No person by himself, or his agent or employé, shall render, manufacture, or offer for sale, expose for sale, take orders for future delivery, or have in his possession with intent to sell, or sell as butter, any article, product, or compound made wholly or partly out of any fat, oil, oleaginous or compound thereof not directly or wholly produced from pure, unadulterated milk, or cream of the same, which has been or is colored to imitate yellow butter produced from pure, unadulterated milk or cream of the same; *provided*, that nothing of this act shall be so construed as to prohibit the manufacture or sale of oleomargarine in a separate and distinct form in such manner as will advise the consumer of its real character, free from coloring matter and ingredients causing it to look like butter.

SEC. 9. *Process or renovated butter, oleomargarine—notice of use in public dining-rooms.* In any public dining or eating room where oleomargarine or renovated butter, or process butter are in use, the bill of fare shall state the fact in the same size type as is used in printing the body of said bill of fare, and printed notice thereof shall be posted in a conspicuous place in said dining-room so as to be easily and readily seen and read by any one entering such room. Such notice shall be in letters not less than one inch in size and known as full-faced type, and these notices shall state that oleomargarine or process butter, or renovated butter, is used here, as the case may be.

SEC. 10. *Creamery regulations—products to be stamped—storage butter.* Any person or persons, firm, association, or corporation who shall, within the State of Oregon, manufacture butter under the separator process, for sale in said State, shall apply to the Oregon Dairy and Food Commissioner for a stencil or plate with the number of the creamery and the name of the manufacturer and where manufactured, and the words "Oregon Creamery Butter. Full Weight." And on each box of butter so manufactured for sale in the State of Oregon there shall be an impression from said stencil or said plate shall be attached thereto; and each roll or square of butter so manufactured for sale in the State of Oregon shall bear a wrapper upon which shall be the number of the creamery and where manufactured and the words "Oregon Creamery Butter, Full Weight," and the number of ounces in such roll or square, and a device or motto to be adopted and furnished by the Oregon Dairy and Food Commissioner, and such device or motto shall be known as the "Oregon State Brand"; *provided*, that all butter that has been in cold storage for thirty days, or butter that is sold as a second or third grade shall not be sold in wrappers bearing the Oregon State brand. All butter with the State brand label placed in cold storage shall have the date when stored stamped in plain letters and figures on each box.

SEC. 11. *Imitation butter—dealers to keep sale book.* Every person or persons, firm, or corporation who sells oleomargarine, butterine, or any imitation butter whatsoever, or other imitation dairy products, renovated or process butter in this State shall keep a sale book in which all sales shall be entered at the time of sale; said sale book shall state the amount sold and the date of sale, together with the name and address

of the purchaser, and said book shall be open to the inspection of the Dairy and Food Commissioner or his deputy at all times.

SEC. 12. Butter made in other States—unlawful to sell as Oregon product. It shall be unlawful for any person or persons, firm, or corporation to offer or expose for sale in the State of Oregon any butter put up in rolls or squares made in any State (other than Oregon) in wrappers bearing the Oregon State brand or the words "Oregon Creamery," or any other words that will imply said butter was made in Oregon.

SEC. 13. Sale of adulterants and chemicals prohibited. No person, firm, or corporation shall manufacture for sale, advertise, offer or expose for sale, or sell any mixture or compound intended for use as an adulterant of or preservative of milk, butter, or cheese, nor shall any person, firm, or corporation add to milk, or butter, or cheese, or during the process of their manufacture, any borax, boric acid, dicyclic ^a acid, formaldehyde, formalin, or any other substance or substances in the nature of adulterants, antiferments, or preservatives; *provided however*, that this section shall not apply to pure salt added to butter and cheese.

SEC. 14. Rolls and squares—weights. Every square or roll of butter kept exposed or offered for sale or sold in the State of Oregon shall contain not less than eight ounces, sixteen ounces, or thirty-two ounces, and each square or roll shall be plainly marked with the number of ounces they contain.

SEC. 15. Creamery label. It shall be unlawful for any person to use the brand or label of any other creamery or dairyman without his consent for the purpose of selling the butter of any other creamery or dairyman.

SEC. 16. Filled cheese. Any person who sells or has in his possession with intent to sell any substance in imitation of cheese not made exclusively and wholly of milk or cream with salt, rennet, and with or without harmless coloring matter and containing any fats, oils, or grease, not produced from milk and cream, shall have the words "Filled Cheese" stamped or printed thereon in a conspicuous manner.

SEC. 17. Grade of cheese; brand. Every person or persons, firm, association or corporation who shall at any creamery, cheese factory, or private dairy, manufacture cheese in the State of Oregon shall, at the place of manufacture, brand distinctly and durably on the bandage of every cheese and box containing the same, the true grade of said cheese as follows, to-wit: "Oregon Full Cream Cheese," or "Oregon Half Skimmed," "Oregon Quarter Skimmed Cheese," or "Oregon Skimmed Cheese," as the case may be. Full cream cheese shall contain not less than 30% butter fat; cheese that contains 15% butter fat and under 30% shall be known as half skimmed cheese. Cheese that contains 7½% butter fat and under 15% shall be known as three-quarter skinned cheese; cheese that contains less than 7½% butter fat shall be known as skinned cheese; *provided*, nothing in this section shall be construed to apply to "Edam," "Brickstein," "Pineapple," "Limburger," "Swiss," or hand-made cheese not made by the ordinary Cheddar process.

SEC. 18. Cheese labels for retailing. All cheese offered for sale at retail shall bear a label or placard containing letters not less than one-half inch in height setting forth whether such cheese is "Full Cream," "Half Skimmed," "Quarter Skimmed," or "Skimmed," according to the percentage of butter fat therein contained, as provided in section 17 of this act. But this section shall not apply to "Edam," "Brickstein," "Pineapple," "Limburger," "Swiss," or hand-made cheese not made by the ordinary Cheddar process.

SEC. 19. Manufacturers of butter and cheese to make annual report. Every person or company who manufactures for sale in quantities exceeding twenty-five pounds per week, butter or cheese in this State, shall report to the Dairy and Food Commissioner annually at the end of each year as follows:

First. Name and address of manufacturer.

Second. Name and address of owner or owners of cows.

^a So in Statutes.

Third. Number of pounds milk and cream purchased.

Fourth. Total number of pounds milk or cream used in the manufacture of butter and the number of pounds used in the making of cheese.

Fifth.* Number of pounds of butter and cheese made.

Sixth. Number of pounds of butter and cheese sold; *provided*, that the amount of butter and cheese made by any such person shall not be published if the maker requests that it shall not be done.

SEC. 20. *Cheese factories to procure stencils.* Every person, firm, or corporation, or voluntary association who shall manufacture cheese in the State of Oregon shall apply to the Oregon Dairy and Food Commissioner for a stencil giving the number of the factory and quality or grade of cheese as provided in section 17 of this act, and each box of cheese sold or offered for sale shall bear the impression from the said stencil on the side of box and each cheese.

SEC. 21. *Sanitation of cow stables.* When cows are kept by any person for dairy purposes, either for butter or for cheese or for the production of milk or cream for sale, and are confined in stables, such cows so confined shall each be allowed at least eight hundred cubic feet of air space, and such cows so stabled shall not be confined facing each other closer than ten feet, and all stables where such cows are kept shall be well ventilated and kept in a good healthful condition, and if there be any suspected diseased cows or other animals belonging to or about any dairy, said Dairy and Food Commissioner shall notify the State Veterinarian. And if any dairy as above stated is found to be in a filthy or unhealthy condition, the Dairy and Food Commissioner shall notify the proprietor that said dairy must be put in a healthful condition; and in the event of the failure of said proprietor to put said dairy in a healthful condition within a reasonable time from the receipt of said notice, he or they shall be deemed guilty of a misdemeanor, and shall be punished as herein provided.

SEC. 22. *Milk dairies; inspection; certificates.* Every person, firm, or corporation engaged in the sale of milk or cream in any city of 10,000 or more inhabitants, who keeps a cow or cows for the purpose of selling milk therefrom therein, shall, on the first day of April each year, apply to the Dairy and Food Commissioner, or inspectors appointed by him, for a certificate of inspection, and shall pay the sum of \$2.50 for the same; *provided always*, that this certificate can be revoked at any time by said commissioner or inspector when said dairy is found not to be in a proper condition as to healthfulness of the cow or cows, or as to cleanliness and proper sanitary regulations of the stables, buildings, or grounds in which said cows are kept. No certificate shall be issued to any person, firm, or corporation, as provided in this section, where the same has been revoked, without payment of \$2.50 for the same. Each and every certificate issued as provided in this section shall be in the name and owner of the person, firm, or corporation and shall be numbered, and the number corresponding to the one on the certificate shall be placed in a conspicuous place on the wagon or vehicle used by said person, firm, or corporation.

SEC. 23. *Penalty.* Any person, firm or corporation who offers for sale or sells milk who has not procured a certificate as provided in section 22, or whose certificate has been revoked, shall be guilty of misdemeanor and fined as provided for in this act; *provided*, that any incorporated city of less than 10,000 inhabitants may, upon the request of its mayor, council, board of aldermen, or board of health, made to the State Food and Dairy Commissioner, come within the provision of section 22 of this act.

SEC. 24. *Babcock test; false determinations unlawful.* It shall be unlawful for the owner, manager, agent or any employé of a creamery, cheese or condensed milk factory to manipulate, or under-read, or over-read the Babcock test, or any other contrivance used for determining the quality or value of milk or cream, or to make any false determination by said Babcock test or otherwise.

SEC. 25. *Adulterated milk; penalty.* Any person who shall be convicted of selling adulterated milk under the provisions of this act shall upon the first conviction be fined \$25; upon the second conviction \$50; upon the third conviction \$100; and shall upon every subsequent conviction be fined \$100 and suspended from selling milk, either retail or wholesale, for one year.

SEC. 26. *Imitating or counterfeiting seal.* Whoever makes, causes to be made, uses or has in his possession, any imitation or counterfeit of the seal used by any inspector of milk, or other officer engaged in the inspection of milk, or whoever changes or tampers with the sample taken on said seal as provided in this act, shall be punished as provided in this act.

SEC. 27. *Milk inspector; violation of duty; how punished.* An inspector of milk or his agent, who unlawfully connives at or assists in the violation of the provisions of this act, or whoever hinders or interferes with an inspector of milk or agent in the performance of his duty, shall be punished by a fine as provided in this act.

SEC. 28. *Milk dealers to register; license.* Every person shall before selling milk or offering it for sale in a store, booth, stand, or market place in any city or town in which an inspector of milk is appointed, shall ^a register in the books of such inspector or commissioner his name and proposed place of business, and shall pay to him fifty cents for said license.

SEC. 29. *Milk taken for analysis; duty of officer.* An officer of the State Board of Health of [or] the Dairy and Food Commissioner, inspector, or other State, city, or town officer who obtains a sample of milk for analysis, shall within ten days after obtaining the result of said analysis send it to the person from whom the sample was taken or to the person who is responsible for the condition of such milk, *provided* that nothing in this act shall prohibit any person or persons from whom samples are taken for proof and analysis requiring the State Dairy and Food Commissioner to leave a similar sample with said person or persons duly sealed with the seal of the Food and Dairy Commissioner.

SEC. 30. *Prosecution of milk producer.* A producer of milk shall not be liable to prosecution for the reason that the milk produced by him is not of good standard quality, unless such milk was taken from his premises or while in possession or under his or his agent's control by an inspector of milk or agent of the Dairy and Food Commissioner, or of the State Board of Health, and a sealed sample thereof was given to him if requested.

SEC. 31. *Stencils for butter and cheese factories.* Every butter or cheese manufacturer who applies to the State Dairy and Food Commissioner for stencils or plates as provided in any section of this act shall pay the sum of one dollar for each.

SEC. 32. *Unclean, impure, and unwholesome milk defined.* In all prosecutions under the provisions of this act relating to the sale of diseased foods, or that which is unclean, impure, and unwholesome; milk drawn from cows for fifteen days next before and five days next after parturition; or from cows fed on unwholesome food; or any calf that has been slaughtered under the age of four weeks, shall be deemed and declared unclean, impure, and unwholesome.

SEC. 33. *Adulterated food notice in public dining rooms.* In any public dining or eating room where adulterated food or drink are used, the bill of fare shall state the facts in the same sized type as used in printing the body of said bill of fare, or, if no bill of fare is used, then, and in that case, printed notices thereof shall be posted in a conspicuous place in said dining room, so as to be easily seen by any one entering such room, in which notices shall be stated in large letters the fact that adulterated foods and drinks are being used for food, or food and drink.

SEC. 46. *False labels; penalty.* Whoever shall falsely brand, mark, stencil, or label any article required by this act to be branded, marked, etc., or shall remove,

^aSo in Statutes.

alter, deface, mutilate, obliterate, imitate, or counterfeit any brand, mark, stencil, or label so required, shall be deemed guilty of a misdemeanor and punished as provided in this act.

SEC. 47. *American and foreign product; label.* It shall be unlawful to label any American manufactured food product with any label which purports or implies that the product was made in a foreign country.

SEC. 49. *Pure food fund; disbursements.* In all prosecutions under this act, the fine or fines collected by and under the same shall be transmitted by the officer collecting the same to the State Treasurer at the State Capitol, and shall be kept by the State Treasurer in a separate fund to be known as the pure food fund, and the State Treasurer shall forward to the person remitting any such fine a proper receipt. Said pure food fund shall be subject to orders drawn against the same by the said Dairy and Food Commissioner for the purpose of enforcing the provisions of this act. Said commissioner shall not draw against said fund except for the purpose of carrying out the provisions of this act, nor shall he draw any order against said fund in excess of the money actually in the hands of the State Treasurer to the credit of said fund. In his regular reports to the legislature, the said commissioner shall render a full statement of the receipts and disbursements of the pure food fund, and the purpose for which said fund has been disbursed. All licenses, fees, and payments made to said commissioner shall be disposed of and accounted for in the same manner as such fines.

SEC. 50. *Seizure of articles by commissioner; removal or concealment of label.* It shall be the duty of the Oregon Dairy and Food Commissioner to seize and hold any article of food or drink sold, or kept, or offered for sale in violation of any of the provisions of this act until the true character thereof may be determined in a judicial proceeding, if any person shall have been arrested for having in his possession for sale, or selling or offering for sale such article; and if no person shall have been arrested, then by chemical analysis or other means to be determined by said commissioner or his deputy; and if any seized article be found to be unwholesome or unfit for food, said commissioner shall cause the same to be destroyed. If any seized article be found adulterated or prepared, or labeled in violation of this act, not being unwholesome or unfit for food, and said commissioner shall brand or mark each package thereof with its true character, and return the same to the person from whose possession it was taken; in case any seized article be determined to be a character not contrary to any of the provisions of this act, the same shall be returned to the possession of the person from whom the same was taken. It shall be unlawful for any person to remove or deface or conceal any brand or label placed upon the article by the Dairy and Food Commissioner under the provisions of this section, or to sell or offer for sale, or have in his possession for sale any article so marked or labeled without exhibiting such mark or label to the view of the public; otherwise disposition shall be made of the seized property by order of the court.

SEC. 51. *Cooperation of railroad or transportation companies.* Every railroad company or transportation company in this State, upon application of the Dairy and Food Commissioner, [or] his authorized agent, shall give the name and address of any shipper or consignee of any supposed diseased or unwholesome meats or food of any kind.

SEC. 52. *Chemist state agricultural college to make analysis.* It shall be the duty of the chemist of the state agricultural college to correctly analyze any and all of the substances the said commissioner may send him, and the certificate of analysis of said chemist duly signed by him shall be *prima facie* evidence in all courts of justice; *provided, however,* that the testing of milk and cream shall be done by the Dairy and Food Commissioner and the certificate of said commissioner as to any such test, duly signed by him, shall also be *prima facie* evidence in all courts of justice of the facts therein stated.

SEC. 53. *Inspection authority.* The said commissioner or his deputies, and such experts and chemists as said commissioner shall duly authorize for the purpose, shall have access to, egress and ingress to all places of business, factories, stores, farm buildings, carriages, cars, vessels, and implements used in the manufacture, production, or sale of any foods or drinks; and they shall also have the power and authority to open any package, case, or vessel containing such articles which may be manufactured, kept, exposed, or offered for sale, or sold, and any manufacturer, dealer, hotel or restaurant keeper shall deliver to the commissioner or his deputy any sample of food or drinks for analyzing or testing upon a tender of the price thereof in money.

SEC. 57. *Conflicting laws repealed.* That an act entitled "An act to provide for the election of an Oregon Dairy and Food Commissioner, and to prescribe his duties and qualifications, and to prevent the production and sale of unwholesome food, drink, medicines, and fertilizers; and to repeal an act entitled 'An act to prevent the production and sale of unwholesome foods and medicines, and to regulate the sales of adulterated foods, drinks, medicines, and fertilizers,'" approved February 16, 1899, and to repeal an act to provide for the election of an Oregon Dairy and Food Commissioner, prescribing his duties and fixing his salary, and to provide for the payment of his expenses, and for the appointment of other deputies of the Dairy and Food Commissioner; to regulate the manufacture and sale of food, drinks, medicines, and fertilizers; to define what shall constitute adulterated food, drink, and medicines, or fertilizers; to provide for the regulation of dairies and the proper stabling of dairy cows, and the manufacture and sale of dairy products; to regulate the sale of process butter and compound resembling butter, and imitation dairy products, approved February 27, 1901; and to provide penalties for the violation of this act; to create a pure food fund, and declaring an emergency; and all acts and parts of acts in conflict with the provisions of this act, to wit: Chapter III of Title XXXV of Bellinger and Cotton's Annotated Codes and Statutes of Oregon, being sections 3766, 3767, 3768, 3769, 3770, 3771, 3772, 3773, 3774, 3775, 3776, 3777, 3778, 3779, 3780, 3781, 3782, 3783, 3784, 3785, 3786, 3787, 3788, 3789, 3790, 3791, 3792, and 3793, be and the same are hereby repealed.

SEC. 58. *Appropriation.* That there be and hereby is appropriated annually, out of any money in the treasury not otherwise appropriated, the sum of \$4,400 for the purposes of this act.

SEC. 59. *Must not be interested in business.* It shall be unlawful for the Dairy and Food Commissioner, or any deputy, chemist, clerk, or assistant under him, to be directly or indirectly interested in any manner as proprietor, partner, salesman, agent, or employé in the manufacture, sale, handling, or shipping of any food, drink, or dairy product.

SEC. 60. *Penalties; jurisdiction.* Any person violating any of the provisions of this act where the punishment is not already provided shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$25 nor more than \$100, or be imprisoned in the county jail not less than thirty days nor more than six months, or both. Justices' courts shall have concurrent jurisdiction of all cases arising under this act.

Filed February 22, 1905. Laws of 1905, ch. 209, pp. 348-363.

FLAVORING EXTRACTS AND SPICES.^a

SEC. 42. *Spices and condiments defined.* The term "spices and condiments," as used here, shall include all substances known and recognized in commerce as spices and used as condiments, whether in their natural state or in the form which would

^a See also Dairy Products for general provisions, penalties, appropriations, etc., applying also to these sections.

result from the grinding, milling, or mixing, or the compounding of the natural product.

SEC. 43. *Label of adulterated fluid extracts.* All fluid extracts sold or offered for sale in this State, if not pure, shall be labeled "adulterated" on the cartoon^a in which the same is kept for sale, and also on the bottle containing the same, in the same sized letters as the other lettering thereon with the per cent of adulteration.

SEC. 44. *Label of adulterated spice.* Any person selling or delivering any spice or condiment adulterated as hereinbefore defined, shall label on the outside and face of each package containing the same, upon the background of a single color, in the English language, and in legible type no smaller than double pica, the name and location of the manufacturer or person, firm, or corporation manufacturing same, and the words "mixture" and "adulterated," and the common English name of the spice or condiment which said box or package contains; also the net weight of the package shall be printed on the label.

SEC. 45. *Possession of unlabeled articles.* Any person having in their possession any article adulterated as herein described and not labeled, is *prima facia^a* evidence of a violation of this act.

Filed February 22, 1905. Laws of 1905, ch. 209, pp. 358-359.

FRUIT.

4194. *Infected fruit prohibited.* It shall be unlawful for any person, firm, or corporation to import or sell any infected or diseased fruit of any kind in the State of Oregon.

4195. *State or interstate commerce in infected fruit a misdemeanor.* Every person who packs or prepares for shipment to any point within the state, or who delivers or causes to be delivered to any express agent or railroad agent or other person, or to any transportation company or corporation, for shipment to any point without the state, any fruit or fruits, either fresh, cured, or dried, that is infected with insect pests or diseases injurious to trees, shrubs, plants, fruits, or vegetables, is guilty of a misdemeanor.

4196. *Penalty.* Any person, firm, or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars.

4197. *Prosecution.* It shall be the duty of the commissioner of the state board of horticulture of the district in which a violation of this act occurs to present the evidence of the case to the district attorney, whose duty it shall be to prosecute any person guilty of a violation of this act, which prosecution may be brought in any of the justice courts of this state.

Bellinger and Cotton's Annotated Codes and Statutes, 1902, vol. 2, ch. 5, pp. 1389-1390.

JELLIES, PRESERVES, ETC.^b

SEC. 34. *Fruit jellies; imitations must be plainly labeled.* No person shall manufacture for sale, sell, offer or expose for sale, or sell, as fruit jelly or fruit butter, any jelly or imitation fruit butter, or similar compound made or compounded in whole or in part glucose, dextrin, starch, or other substances, and colored in imitation of fruit jelly butter; nor shall any such jelly, fruit butter or compound be manufactured or sold under any name or designation whatever, unless the same be composed

^a So in Statutes.

^b See also Dairy Products for general provisions, penalties, appropriations, etc., applying also to these sections.

entirely of ingredients not injurious to health, and not colored in imitation of fruit jelly, and every can, pail, or package of such jelly or butter sold in this State shall be distinctly and durably labeled "imitation fruit jelly or butter," and state the percentage of the various ingredients contained therein, and the place where made, and name of manufacturer.

SEC. 35. Adulterated jellies; users of must post notice. Any baker or other manufacturer of cakes, pies, or other foods, who uses or incorporates in such cakes, pies or other foods, any jellies or fruit juices than that of pure fruit, shall place a conspicuous notice in his place of business stating that adulterated jellies and fruit juices are used; *provided*, that this section shall apply to all restaurants or public eating houses who sell or serve cakes, pies or other foods in which said imitation jellies or fruit juices are used.

SEC. 36. Preserved and canned fruits. No packer or dealer in preserved or canned fruits, vegetables, or other articles of food, shall sell or offer for sale, such canned articles, unless such articles shall be entirely free from substances or ingredients deleterious to health.

SEC. 37. Pickles and sauces. Pickles and fruit sauces shall contain no other sweetening matter than pure sugar.

Filed February 22, 1905. Laws of 1905, ch. 209, pp. 356-357.

MAPLE SYRUP.^a

SEC. 41. Labeling of maple syrup. All maple syrup put up for sale that contains any other ingredient than pure maple sugar shall bear but one label, which label shall truly state the percentage of the various substances contained therein from which said maple syrup is made, in type of equal size with any on said label.

Filed February 22, 1905. Laws of 1905, ch. 209, p. 358.

SALMON AND STURGEON.

4091. License. It shall be unlawful for any person or persons, firm, or corporation to engage in the business of packing or dealing in salmon fish or sturgeon within the State of Oregon without having obtained a license therefor from the fish warden as hereinafter provided. All licenses issued under the provisions of this act shall expire on the thirty-first day of December following the issuance of such license.

4094. License fees for 25 classes of canners. Any person, firm or corporation engaged in the business of canning fresh salmon in hermetically sealed tins or cans in this State shall pay license fees as follows: Those of the first class, \$100; second class, \$150; third class, \$200; fourth class, \$250; fifth class, \$300; sixth class, \$350; seventh class, \$400; eighth class, \$450; ninth class, \$500; tenth class, \$550; eleventh class, \$600; twelfth class, \$650; thirteenth class, \$700; fourteenth class, \$750; fifteenth class, \$800; sixteenth class, \$850; seventeenth class, \$900; eighteenth class, \$950; nineteenth class, \$1,000; twentieth class, \$1,050; twenty-first class, \$1,100; twenty-second class, \$1,150; twenty-third class, \$1,200; twenty-fourth class, \$1,300; twenty-fifth class, \$1,500. Canners of the first class are those whose pack of salmon fish for the year next preceding the year that the license is applied for does not exceed 5,000 cases of salmon, forty-eight pounds to the case. Those of the second class are canners whose pack for the year next preceding the year the license is applied for exceeded 5,000 cases, but did not exceed 7,500 cases of salmon, forty-eight pounds to the case. Those of the third class are canners whose pack for the year next preceding the year the license is applied for exceeded 7,500 cases, but did not exceed 10,000

^aSee also Dairy Products for general provisions, penalties, appropriations, etc., applying also to these sections.

cases, forty-eight pounds to the case. Those of the fourth class are canners whose pack for the year next preceding the year the license is applied for exceeded 10,000 cases, but did not exceed 12,500 cases of salmon, forty-eight pounds to the case. Those of the fifth class are canners whose pack for the year next preceding the year the license is applied for exceeded 12,500, but did not exceed 15,000 cases of salmon, forty-eight pounds to the case. Those of the sixth class are canners whose pack for the year next preceding the year the license is applied for exceeded 15,000 cases, but did not exceed 17,500 cases of salmon, forty-eight pounds to the case. Those of the seventh class are canners whose pack for the year preceding the year the license is applied for exceeded 17,500 cases, but did not exceed 20,000 cases of salmon, forty-eight pounds to the case. Those of the eighth class are canners whose pack for the year next preceding the year the license is applied for exceeded 20,000 cases, but did not exceed 22,500 cases of salmon, forty-eight pounds to the case. Those of the ninth class are canners whose pack for the year next preceding the year the license is applied for exceeded 22,500 cases, but did not exceed 25,000 cases of salmon, forty-eight pounds to the case. Those of the tenth class are canners whose pack for the year next preceding the year the license is applied for exceeded 25,000 cases, but did not exceed 27,500 cases of salmon, forty-eight pounds to the case. Those of the eleventh class are canners whose pack for the year next preceding the year the license is applied for exceeded 27,500 cases, but did not exceed 30,000 cases of salmon, forty-eight pounds to the case. Those of the twelfth class are canners whose pack for the year next preceding the year the license is applied for exceeded 30,000 cases, but did not exceed 32,500 cases of salmon, forty-eight pounds to the case. Those of the thirteenth class are canners whose pack for the year next preceding the year the license is applied for exceeded 32,500 cases, but did not exceed 35,000 cases of salmon, forty-eight pounds to the case. Those of the fourteenth class are canners whose pack for the year next preceding the year the license is applied for exceeded 35,000 cases, but did not exceed 37,500 cases of salmon, forty-eight pounds to the case. Those of the fifteenth class are canners whose pack for the year next preceding the year the license is applied for exceeded 37,500 cases, but did not exceed 40,000 cases of salmon, forty-eight pounds to the case. Those of the sixteenth class are canners whose pack for the year next preceding the year the license is applied for exceeded 40,000 cases, but did not exceed 42,500 cases of salmon, forty-eight pounds to the case. Those of the seventeenth class are canners whose pack for the year next preceding the year the license is applied for exceeded 42,500 cases, but did not exceed 45,000 cases of salmon, forty-eight pounds to the case. Those of the eighteenth class are canners whose pack for the year next preceding the year the license is applied for exceeded 45,000 cases, but did not exceed 47,500 cases of salmon, forty-eight pounds to the case. Those of the nineteenth class are canners whose pack for the year next preceding the year the license is applied for exceeded 47,500 cases, but did not exceed 50,000 cases of salmon, forty-eight pounds to the case. Those of the twentieth class are canners whose pack for the year next preceding the year the license is applied for exceeded 50,000 cases, but did not exceed 52,500 cases of salmon, forty-eight pounds to the case. Those of the twenty-first class are canners whose pack for the year next preceding the year the license is applied for exceeded 52,500 cases, but did not exceed 55,000 cases of salmon, forty-eight pounds to the case. Those of the twenty-second class are canners whose pack for the year next preceding the year the license is applied for exceeded 55,000 cases, but did not exceed 57,500 cases of salmon, forty-eight pounds to the case. Those of the twenty-third class are canners whose pack for the year next preceding the year the license is applied for exceeded 57,500 cases, but did not exceed 60,000 cases of salmon, forty-eight pounds to the case. Those of the twenty-fourth class are canners whose pack for the year next preceding the year the license is applied for exceeded 60,000 cases, but did not

exceed 65,000 cases of salmon, forty-eight pounds to the case. Those of the twenty-fifth class are canners whose pack for the year next preceding the year the license is applied for exceeded 65,000 cases, forty-eight pounds to the case. When more than one cannery or plant is operated by the same person, firm, or corporation, each shall be licensed separately and according to its class. Any person, firm, or corporation desiring to engage in the business of canning salmon in this State shall make an application in writing to the Master Fish Warden for a license therefor, which application shall describe the location of the salmon cannery, as near as practicable, and shall be accompanied by the affidavit of the applicant, stating the number of cases of salmon that were packed in such cannery the year next preceding the year the license is to be issued, and shall deposit with said application the license fee, according to the class in which said cannery should be listed. No license shall be issued until such affidavit is made and filed and such license fee paid; *provided*, that if any person, firm, or corporation desires to obtain a license for a cannery which had not been operated the year preceding such application, such cannery shall, upon application, be classed by the Board of Fish Commissioners, and the license fee to be paid shall be three times the regular fee according to that class; excepting in a case where a cannery remained idle only one season, then in that case the license fee to be paid shall be double the regular fee. All licenses issued under the provisions of this section shall be good only in the district for which the same is issued, and shall expire on the thirty-first day of March following the issuance of such license.—*As amended February 24, 1903, and February 10, 1905; General Laws 1905, ch. 56, pp. 116-119.*

4095. Classification of dealers other than canners; applications and licenses. Any person, firm, or corporation engaged in the business of buying, selling, packing, preserving, or otherwise dealing in salmon fish or sturgeon, other than canning thereof, which is herein provided for, and whether said person, firm, or corporation catches his or their or its own salmon fish or sturgeon or not, shall be and are classified as follows: First-class dealers, handling less than three tons of fish per year; second class dealers, handling three to six tons of fish; third class dealers, handling six to ten tons of fish; fourth class dealers, handling ten to fifteen tons of fish; fifth class dealers, handling fifteen to twenty tons of fish; sixth class dealers, handling twenty to twenty-five tons of fish; seventh class dealers, handling twenty-five to thirty tons of fish; eighth class dealers, handling thirty to forty tons of fish; ninth class dealers, handling forty to fifty tons of fish; tenth class dealers, handling fifty to sixty tons of fish; eleventh class dealers, handling sixty to seventy tons of fish; twelfth class dealers, handling seventy to eighty tons of fish; thirteenth class dealers, handling eighty to one hundred tons of fish; fourteenth class dealers, handling one hundred to one hundred and forty tons of fish; fifteenth class dealers, handling one hundred and forty to one hundred and seventy-five tons of fish; sixteenth class dealers, handling one hundred and seventy-five to two hundred and twenty-five tons of fish; seventeenth class dealers, handling two hundred and twenty-five to three hundred tons of fish; eighteenth class dealers, handling three hundred to four hundred tons of fish; nineteenth class dealers, handling four hundred to five hundred tons of fish; twentieth class dealers, handling five hundred to six hundred tons of fish; twenty-first class dealers, handling six hundred to seven hundred tons of fish; twenty-second class dealers, are those who handled over seven hundred tons of fish of the dressed product. Any person, firm, or corporation desiring to obtain a license for the purpose of engaging in the business of buying, packing, selling, preserving, or otherwise dealing in salmon fish or sturgeon, or other than canning thereof, which is herein provided for, and whether said person, firm, or corporation catches his or their or its own salmon fish or sturgeon or not, shall file with the Master Fish Warden an application therefor describing with convenient certainty the locality at which the applicant proposes to engage in business, and the general character of

such business, whether cold storage or otherwise, and shall accompany such application with an affidavit of the applicant stating the total number of tons of salmon fish or sturgeon handled by such applicant the year next preceding the year the applicant desires the license, and shall deposit with the Master Fish Warden the license fee as hereinafter provided. Such persons aforesaid of the first class shall pay a license fee of \$5.00; of the second class, \$7.50; of the third class, \$10; of the fourth class, \$15; of the fifth class, \$20; of the sixth class, \$25; of the seventh class, \$30; of the eighth class, \$40; of the ninth class, \$50; of the tenth class, \$60; of the eleventh class, \$70; of the twelfth class, \$80; of the thirteenth class, \$100; of the fourteenth class, \$125; of the fifteenth class, \$160; of the sixteenth class, \$200; of the seventeenth class, \$270; of the eighteenth class, \$360; of the nineteenth class, \$450; of the twentieth class, \$540; of the twenty-first class, \$630; of the twenty-second class, \$800; *provided*, that any person, firm, or corporation desiring a license that, during the year preceding such application was not engaged in dealing in salmon fish or sturgeon as a packer by the cold storage process or otherwise shall, upon application, be classified by the board of fish commissioners, and the license fee to be paid shall be three times the regular fee, according to the class named; excepting in a case where a cold storage plant remained idle only one season, then and in that case the license fee to be paid shall be double the regular fee. Persons desiring to engage in the business of retailing salmon fish or sturgeon for home consumption, or peddling such fish from house to house, shall be listed of the first class, and shall pay a license therefor accordingly, whether said person caught his own salmon fish or sturgeon or not. Where more than one shop or plant is operated by the same person, firm, or corporation, each shall be licensed separately and according to its class. A peddler's license shall be good for one person or wagon, and no more. All licenses issued under the provisions of this section shall be good only in the district for which the same is issued, and shall expire on the thirty-first day of March following the issuance of such license ^a—*As amended February 24, 1903, and February 10, 1905; General Laws, 1905, ch. 56, pp. 119-121.*

4096. Duties of fish warden; prosecutions. The fish warden shall keep and preserve a record of all applications for license filed. The fish warden is not bound by statements therein made as to the amount of fish packed or handled, but for the purpose of ascertaining the true class in which any cannery or dealer in salmon fish or sturgeon, as herein provided, should be listed, such fish warden or any of his deputies has full authority and is hereby authorized to inspect the cannery and places of business of such parties, and the books of such parties showing the amount of their pack or the amount handled (but the information derived therefrom shall not be made public), and if in the opinion of the fish warden the facts set forth in the affidavit of the applicant for a license are untrue, and the canner, packer, or dealer as herein provided, is not properly classed, he shall immediately class the same and list the same properly, and cancel the license already issued, and demand from such canner, packer, or dealer, as herein specified, a new license fee necessary to bring it within the class it should have been listed in in the first instance; but any person, firm, or corporation feeling aggrieved by the decision of the fish warden may appeal from the decision of the fish warden to the circuit court of the State of Oregon for the county in which his or its business is situated. Such appeal is taken by serving a written notice of such appeal on the fish warden, or his deputy residing in the county, and filing same with proof of service indorsed thereon within ten days from receiving notice of such relisting by such fish warden, together with a bond with one or more sufficient sureties, to be approved by the clerk of the circuit court, conditioned to pay whatever judgment may be rendered against him on the appeal, in the office

^a So in Statutes.

of the clerk of the circuit court of the State of Oregon for the county in which said business is located; and the case shall be tried in the said circuit court as a suit in equity, and judgment entered by the court accordingly, and the decision shall be final, and the judgment of the court shall be enforced as other judgments are, and shall have like force and effect. No costs shall be taxed against the fish warden in any event. Nothing in this section shall be construed to prevent the board of fish commissioners, or any one of the deputies, from giving in evidence at the trial of such appeal any fact or information derived by them from inspection of the books or papers of any canner, packer, or dealer in fish, or from offering in evidence in any court the affidavit of any person required by this act.

4102. Inspection by fish warden authorized. The fish warden is hereby authorized to inspect all canneries, cold storage houses, boats, nets, wheels, traps, and other fishing apparatus, and all property used in the catching and packing of fish, for the purpose of enforcing the provisions of this act, and to that end said fish warden is authorized to enter into said property and make inspection thereof.

Bellinger and Cotton's Annotated Codes and Statutes, 1902, vol. 2, ch. 5, pp. 1356-1361.

VINEGAR.^a

SEC. 38. Manufacture and sale regulated; cider vinegar. No person shall manufacture, sell, offer or expose for sale, or possess with intent to sell or deliver any vinegar not in compliance with the provisions of this act. No vinegar shall be sold as apple, orchard, or cider vinegar which is not the legitimate product of pure apple juice, known as apple cider or vinegar, not made exclusively of apple cider or vinegar, into which foreign substances, drugs, or acids have been introduced, and upon test shall contain not less than 1½ per cent by weight of cider vinegar solids and 25 per cent of ash, and not less than 4 per cent of absolute acetic acid.

SEC. 39. Distilled vinegar; fermented vinegar. All vinegar made wholly or in part from "grain of any kind, syrup, or refuse from sugar refineries by process of mashing and distilling and then converting into vinegar," shall be branded "Distilled Vinegar," and such vinegar shall be free from coloring matter added during or after distillation, and from color other than that imparted to it by distillation. All fermented vinegar other than cider vinegar not distilled shall contain not less than 1½ per cent by weight upon full evaporation (at the temperature of boiling water) of solids contained in the fruit or grain from which said vinegar is fermented, and shall contain not less than 2½ tenths of 1 per cent ash. All vinegar shall be made wholly from the fruit or grain from which it purports to be made, and contain no foreign substance and contain not less than 4 per cent by weight of absolute acetic acid.

SEC. 40. Use of mineral acids prohibited. No person shall manufacture for sale, offer for sale, or possess with intent to sell, any vinegar found upon proper test to contain any preparation of lead, copper, sulphuric, or other mineral acids, or ingredients injurious to health. All packages, bottles, and any other vessel containing vinegar, other than pure cider vinegar, shall all be marked, stenciled, or branded on the cask, barrel, keg, bottle, or any other vessel containing such vinegar with the name and residence of the manufacturer, together with the brand.

Filed February 22, 1905. Laws of 1905, ch. 209, pp. 357-358.

WATER.

2128. Pollution of water by sewerage a misdemeanor. Any person who shall put any sewerage, drainage, or refuse, or polluting matter, as either by itself or in connection with other matter will corrupt or impair the quality of any well, spring, brook,

^aSee also Dairy Products for general provisions, penalties, appropriations, etc., applying also to these sections.

creek, branch, or pond of water, which is used or may be used for domestic purposes, shall be deemed guilty of misdemeanor.

2129. *Pollution of water supply by decaying substances, etc., a misdemeanor.* If any person shall put any dead animal carcass, or part thereof, excrement, putrid, nauseous, noisome, decaying, deleterious, or offensive substance into, or in any other manner not herein named besouls, pollutes, or impairs the quality of, any spring, brook, creek, branch, well, or pond of water which is or may be used for domestic purposes, or shall put any such dead animal carcass, or part thereof, excrement, putrid, nauseous, noisome, decaying, deleterious, or offensive substance within one half mile of any dwelling house or public highway and leave the same without proper burial, or, being in the possession or control of any land, shall knowingly permit or suffer any such dead animal carcass, or part thereof, excrement, putrid, nauseous, noisome, decaying, deleterious, or offensive substance to remain without proper burial upon such premises, within one half mile of any dwelling house or public highway, whereby the same becomes offensive to the occupants of such dwelling or the traveling public, he shall be deemed guilty of a misdemeanor.

2130. *Penalty; jurisdiction.* Any person violating the provisions of this act shall, upon conviction, be fined not less than ten nor more than fifty dollars, or be imprisoned not less than five days nor more than twenty-five days, or by both fine and imprisonment. Justices of the peace shall have jurisdiction of offenses committed against the provisions of this act.

2131. *Penalty for violation of sec. 2129.* If any person or persons shall put any dead animal's carcass, or part thereof, or any excrement, putrid, nauseous, decaying, deleterious, or offensive substance, in any well, or into any spring, brook, or branch of running water, of which use is made for domestic purposes, or to which any cattle, horses, or other kind of stock have access, every person so offending shall, on conviction thereof, be fined in any sum not less than three nor more than fifty dollars.

Bellinger and Cotton's Codes and Statutes, 1902, vol. 1, ch. 9, pp. 735-736.

PENNSYLVANIA.

The State dairy and food commissioner, who is an officer of the department of agriculture of Pennsylvania, is charged with the enforcement of all dairy and food laws of the State with the exception of certain older laws which, while they remain in the statute books, are practically superseded by more recent legislation. The commissioner is appointed by the governor for a term of four years, and all of his actions are subject to approval by the secretary of agriculture.

GENERAL FOOD LAWS.

5. Unwholesome or adulterated provisions; penalty. If any person shall sell or expose for sale, the flesh of any diseased animal, or any other unwholesome flesh, knowing the same to be diseased or unwholesome, or sell or expose for sale unwholesome bread, drink or liquor, knowing the same to be unwholesome; or shall adulterate for the purpose of sale, or sell any flour, meal or other article of food, any wine, beer, spirits of any kind, or other liquor intended for drinking, knowing the same to be adulterated; or shall adulterate for sale, or shall sell, knowing them to be so adulterated, any drugs or medicines; such person so offending shall be guilty of a misdemeanor, and upon conviction be sentenced to pay a fine, not exceeding one hundred dollars, or undergo an imprisonment, not exceeding six months, or both, or either, at the discretion of the court.

P. L., 1860, p. 401; Brightly's Purdon's Digest, 1894, vol. 1, p. 473.

1. Oath of clerks of markets. The clerks of the several markets within this province, now in office, and all such clerks as shall hereafter be appointed, before they enter upon the execution of their office, shall take the following oath or affirmation, before some magistrate or justice of the city, borough or county wherein they shall reside, viz: "That he will well and truly, to the best of his skill and judgment, do and perform all the things joined and required of him as clerk of the market, by the laws of this province."

2. Buying and selling of provisions. It shall and may be lawful for any person or persons to sell or expose for sale provisions, vegetables or fruit, in the markets of any city, borough or corporate town within this commonwealth: Provided always, That such provisions, vegetables or fruit shall not have been previously purchased within the limits of such city, borough or corporate town.

3. Unwholesome or tainted meat; penalty. It shall not be lawful for any butcher or other person to expose for sale any tainted or unwholesome meat or fish, or any veal less than three weeks old when killed, in any of the market-houses or other places for vending meat, in any of the cities or boroughs in the several counties of this commonwealth, under a penalty of ten dollars for each offense, to be recovered as other penalties are recoverable, before any alderman or justice of the peace; one-half of said penalty to go to the informer, and the other half for the benefit of the poor.

Brightly's Purdon's Digest, 1700-1894, vol. 2, p. 1294.

SEC. 13. *Decayed or unwholesome provisions; penalty.* It shall be unlawful for any person, firm, or corporation to keep, expose, or offer for sale for food, or keep the same for the purpose of sale for food, within the limits of said cities (second class), any emaciated, tainted, putrid, decayed, decaying, unwholesome or diseased meat. In case of keeping, exposing, or offering such, the said bureau shall have the power and authority to seize, condemn, and confiscate the same, and also all maimed and diseased animals, or any that may be too young to be used for food. The keeping, offering, exposure, or sale as aforesaid of any emaciated, tainted, putrid, decayed, decaying, unwholesome or diseased meat, or of any maimed or diseased animal or animals too young to be used for food shall be and is hereby declared to be unlawful, and the person so offending shall be subject to a fine of not less than twenty-five nor more than one hundred dollars. The exposure or offering for sale for food, or keeping for purposes of sale for food any decayed or unwholesome vegetable, or other matter or thing, is hereby declared to be unlawful, and any person or persons so offending shall be liable to a fine not exceeding one hundred dollars.

Approved June 26, 1895. Laws 1895, Act 258, p. 350.

SEC. 1. *Adulteration prohibited.* No person shall, within this State, manufacture for sale, offer for sale or sell any article of food which is adulterated within the meaning of this act.

SEC. 2. *Food defined.* The term "food," as used herein, shall include all articles used for food or drink by man whether simple, mixed or compound.

SEC. 3. *Adulteration defined.* An article shall be deemed to be adulterated within the meaning of this act:

(a). In the case of food: (1). If any substance or substances have been mixed with it so as to lower or depreciate or injuriously affect its quality, strength or purity. (2). If any inferior or cheaper substance or substances have been substituted wholly or in part for it. (3). If any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it. (4). If it is an imitation of or is sold under the name of another article. (5). If it consists wholly or in part of a diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance or article, whether manufactured or not,—or in case of milk if it is the produce of a diseased animal. (6). If it is colored, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is. (7). If it contains any added substance or ingredient which is poisonous or injurious to health: Provided, That the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles or ingredients of articles of food, if each and every package sold or offered for sale be distinctly labeled as mixtures or compounds, and are not injurious to health.

SEC. 4. *Samples for analysis.* Every person manufacturing, offering or exposing for sale or delivering to a purchaser any article of food included in the provisions of this act shall furnish to any person interested or demanding the same, who shall apply to him for the purpose and shall tender him the value of the same, a sample sufficient for the analysis of any such article of food which is in his possession.

SEC. 5. *Penalties.* Whoever refuses to comply, upon demand, with the requirement of section four, and whoever violates any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding one hundred nor less than fifty dollars, or imprisoned not exceeding ninety nor less than thirty days, or both, and any person found guilty of manufacturing, offering for sale or selling any adulterated article of food under the provisions of this act shall be adjudged to pay, in addition to the penalties herein provided for, all necessary costs and expenses incurred in inspecting and analyzing such adulterated articles of which

said person may have been found guilty of manufacturing, selling or offering for sale: Provided, That all penalties and costs for the violation of the provisions of this act shall be paid to the Dairy and Food Commissioner, or his agent, and by him paid into the State Treasury, to be kept as a fund separate and apart for the use of the Department of Agriculture for the enforcement of this act and to be drawn out upon warrant signed by the Secretary of Agriculture and the Auditor General.

SEC. 6. *Enforcement of act.* The agent of the Department of Agriculture, known as the Dairy and Food Commissioner of this State, shall be charged with the enforcement of all the provisions of this act and shall have the same power to enforce the provisions of this act that is given him to enforce the provisions of the act by which he receives his appointment.

Approved June 26, 1895. Laws 1895, p. 317; Brightly's Digest of Laws 1893-1903, pp. 29-30.

ALCOHOLIC BEVERAGES.

9. *Use of poison or harmful drugs in beverages.* It shall be unlawful for any person or persons to make use of any active poison, or other deleterious drugs, in any quantity or quantities, in the manufacture or preparation, by process of rectifying or otherwise, of any intoxicating malt or alcoholic liquors, or for any person or persons to knowingly sell such poisoned or drugged liquors in any quantity or quantities; and any person or persons so offending shall be deemed guilty of a misdemeanor.

10. *Branding.* It shall be the duty of any person or persons engaged in the manufacture and sale of intoxicating malt or alcoholic liquors, or in rectifying or preparing the same in any way, to brand on each barrel, cask or other vessel containing the same, the name or names of the person or persons manufacturing, rectifying or preparing the same, and also these words, "containing no deleterious drugs or added poison;" and shall also certify the same fact or facts to the purchaser, over his, her or their own proper signature.

11. *Possession of drugged liquors.* If any barrel, cask or other vessel, containing any such drugged or poisoned liquor, shall be found in the possession of any person or persons designated in sections one and two [Sects. 9 and 10], it shall be deemed prima facie evidence of a violation of the provisions of this act.

12. *Analysis of suspected liquors.* Any suspected article or specimen of intoxicating malt or alcoholic liquor, shall be subjected to analysis by some competent person to perform the same, under the direction of the court before which the case is tried; and such analysis, duly certified under oath, shall be deemed legal evidence in any court in this state: *Provided,* That upon any preliminary examination, before any justice of the peace, mayor or other magistrate or competent authority, for the purpose of binding over, such officer may order the inspection aforesaid to be made, and make such order as may be necessary to preserve the evidence of the offence, until the trial of the offender.

13. *Penalty.* Any person offending against any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be sentenced to pay a fine, not exceeding five hundred dollars, and to undergo an imprisonment, not exceeding twelve months, or both, or either, in the discretion of the court.

14. *Use of drugs, etc., in process of manufacture.* Any and all persons engaged in the business of brewing or manufacture of ale, beer or other malt liquors, or in the fermentation, distillation or manufacture of any vinous or spirituous liquors, be and they are hereby prohibited making use, in or about such business, or in any such process of brewing, fermentation, distillation or manufacture, of any poisonous or deleterious drugs or chemicals, or any impure or injurious materials, or such as are prejudicial to the public health, or to the health of any person drinking or making use of any such malt, vinous or spirituous liquors.

15. Penalty. The use of any such poisonous or deleterious drugs or chemicals, or impure or injurious materials, or of those prejudicial to health, as are prohibited by the first section of this act, (14) is hereby declared to be a misdemeanor, and any person convicted of so using the same, shall be punished by a fine of one thousand dollars, and by an imprisonment of not more than one year.

Brightly's Purdon's Digest, 1894, vol. 1, p. 473.

46. Proof of adulteration. In all actions for the sale of any spirituous, vinous or malt liquors, or any admixtures thereof, it shall be competent for the defendant, in every such case, to prove that said liquors or admixtures thereof were impure, vitiating or adulterated; and proof thereof being made, shall amount to a good and legal defence to the whole of the plaintiff's demand.

Brightly's Purdon's Digest, vol. 2, 1894, p. 1233.

APPLE PRODUCTS.

7. (1) Enforcement of law. The State Dairy and Food Commissioner shall be charged with the enforcement of all laws against fraud and adulteration or impurities in vinegar, jellies, cider, evaporated apples and all apple products, and the unlawful labeling of the same in the State of Pennsylvania.

8. (2) Inspection and prosecution. It shall be the duty of said Dairy and Food Commissioner to inspect any articles of vinegar, jellies, cider, evaporated apples or other apple products made or offered for sale in the State of Pennsylvania as an article of food or drink, and to prosecute or cause to be prosecuted any person or persons, firm or firms, corporation or corporations engaged in the manufacture or sale of any adulterated article of food or drink, or adulterated in violation of or contrary to any laws of the State of Pennsylvania now in force or hereafter to be passed.

9. (3) Inspection and sampling privileges. The said Food Commissioner and such assistants, agents, experts, chemists, detectives and counsel as he shall duly authorize for the purpose, shall have full access, egress, ingress to all places of business, factories, mills, buildings, carriages, cars, vessels and barrels, tanks and packages of whatever kind, used in the manufacture and transportation and sale of any apple products, or of any adulteration or imitation thereof. They shall also have power and authority to open any package, barrel or vessel containing apple products, or any adulteration or imitation thereof, which may be manufactured, sold or exposed for sale in violation of any of the provisions of any act now enacted or which may be hereafter enacted in relation to apple products, or the adulteration or imitation or unlawful labeling thereof, and they shall also have power to take from such packages, barrel or vessel samples for an analysis, after tendering compensation for said samples thus taken.

10. (4) Disposal of fines, etc. All penalties and costs shall be received by the State Board of Agriculture for the violation of this act and of other acts now enacted or hereafter to be enacted prohibiting or regulating the adulteration or imitation of any apple product, and shall be appropriated by the said board to the payment only of the necessary expenses incurred by the said Dairy and Food Commissioner and his assistants and agents in the investigation, discovery and prosecution of violation of this act.

11. (5) Expenses. That all charges, accounts and expenses of the said Commissioner, and all of the assistants, agents, experts, chemists, detectives and counsel employed by him in carrying out the provisions of this act, shall be paid by the Treasurer of the State in the same manner as other accounts and expenses of the said Board of Agriculture are now paid, as provided by law.

12. (6.) Report of food commissioner. That the said Commissioner shall make an annual report of his work and proceedings, and shall report in detail the number and names of his assistants, agents, experts, chemists, detectives and counsel employed by him in carrying out the provisions of this act, together with their expenses and disbursements, and be a part of his general report, not a separate one, to the said State Board of Agriculture at its annual meeting.

Approved July 5, 1895. Laws 1895, p. 605. Brightly's Digest of Laws 1893-1903, pp. 30-31.

BREAD, ETC.

SEC. 17. Sanitation of bakeries, etc. All persons, firms and corporations engaged in the manufacture or baking of bread, cakes, crackers, pastry, pretzels or maccaroni, for public sale, shall keep their room or rooms for baking, mixing, storing, or sale of flour or other grain products separate and apart from any sleeping-room, water-closet, urinal, defective drain or sewer pipe, and shall not permit the harboring of any domestic animal therein. The floors of all baking, mixing, storing and sales-rooms shall be kept clean and tightly joined and free from crevices, and the walls and ceilings shall be painted, kalsomined or whitewashed as often as twice in each year, and oftener if, in the opinion of the Chief Factory Inspector or his deputy, the safety of the employes or the public shall require.

SEC. 18. Permit issued by inspector. When the foregoing ^a provisions of section seventeen are complied with, the Chief Factory Inspector or his deputy shall issue to the owner or person in charge of such bakeshop a permit, stating that the same is in a clean and sanitary condition; which permit shall be posted and kept posted in the office or salesroom of the bakeshop, aforesaid; but when any of the foregoing provisions of section seventeen are not being complied with in any bakeshop, the Chief Factory Inspector or his deputy shall issue to the person in charge, or his representative, a written order to comply with the law aforesaid, within ten days; or he may order the closing of any such bakeshop until the order shall have been complied with, should the safety of the employes or the public, in his opinion, so require.

Approved May 2, 1905. Laws of 1905, No. 226, pp. 357-358.

CONFECTIONERY.

6. Penalty for addition of injurious ingredients. If any person shall manufacture for sale, or sell or offer to sell any candy or confectionery adulterated by the mixture of terra alba, barytes, talc, or other mineral substance, or by poisonous colors, or flavors, or other ingredients, deleterious or detrimental to health, knowing the same to be so adulterated, such person so offending shall be guilty of a misdemeanor, and, upon conviction, be sentenced to pay a fine not exceeding one hundred dollars nor less than fifty dollars, and the candy and confectionery so adulterated shall be forfeited and destroyed by the order of the court.

7. Possession of adulterated products. If any candy or confectionery adulterated in violation of the first section of this act (6), shall be found in the possession of any manufacturer, merchant or dealer, it shall be deemed *prima facie* evidence that the same is offered for sale and that the person having it in possession knew that the same was so adulterated.

8. No action shall be maintained or recovery had in any case for the value of any candy or confectionery which may have been adulterated, as specified in the first section of this act, (6) and it shall be competent for the defendant in every such case

^a So in Statutes.

to prove that the candy or confectionery was so adulterated, and proof thereof being so made, shall amount to a good and legal defence to the whole of the plaintiff's claim therefor.

Approved May 23, 1887. Public Laws, 1887, 157; Brightly's Purdon's Digest, vol. 1, 1894, p. 473.

DAIRY PRODUCTS.

1. Milk inspection. The councils of cities and boroughs in this commonwealth be and they are hereby authorized and empowered to provide for the inspection of milk, under such rules and regulations as will protect the people from adulteration and dilution of the same.

2. Penalty for sale of impure milk. Any person or persons, who shall knowingly sell or exchange, or expose for sale or exchange, any impure, adulterated or unwholesome milk, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than twenty dollars for each offense; and if the fine be not paid, shall be imprisoned for not less than fifteen days, or until said fine shall be paid.

3. Adulteration of milk; penalty. Any person who shall adulterate milk, with the view of offering the same for sale or exchange, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than ten dollars for each and every offence; and if the fine be not paid, shall be imprisoned for not less than eight days, or until said fine is paid.

4. Marking of milk wagons. Any person or persons who shall in any cities, boroughs and villages, having a population of one thousand inhabitants and upwards, engage in or carry on the sale, exchange or traffic in milk, shall have the carriage or vehicle from which the same is vended conspicuously marked with his, her or their names, also indicating the locality from whence said milk is obtained or where produced; and for every neglect of such marking, the person or persons so neglecting shall be subject to the penalties provided for in section second of this act.

5. False marking of milk wagons. For marking wagons or vehicles, so as to convey the idea that said milk is procured from, or produced in, a different locality than it really is, the person or persons so offending shall be subject to a fine of fifty dollars, or imprisonment not less than thirty days, or both, at the discretion of the court.

6. Adulterated and unwholesome milk defined. The addition of water or of ice to the milk, is hereby declared an adulteration; any milk obtained from animals fed on distillery-waste or any substance in a state of putrefaction, is hereby declared to be impure and unwholesome.

7. Sale of milk to butter and cheese factories. If any person or persons shall, with intent to defraud, sell, supply or bring to be manufactured, to any butter or cheese manufactory in this state, any milk, diluted with water, or in any way adulterated, uncleanly or impure, or milk from which cream has been taken, or milk commonly known as skimmed milk, or if any person or persons so furnishing milk as aforesaid, who shall keep back any part of the milk known as "strippings," or shall knowingly bring or supply milk to any butter or cheese manufactory that is tainted or partially sour, or shall knowingly bring or supply to any butter or cheese manufactory, milk drawn from cows within fifteen days before parturition, or within five days after parturition, shall for each offence forfeit and pay a sum not less than ten dollars nor more than one hundred dollars, with costs of suit, to be sued for in any court of competent jurisdiction for the benefit of the person or persons, firm or association or corporation upon whom such fraud or neglect shall be committed.—*Lars, 1869.*

8. Sale of adulterated or impure milk in cities. In cities of the second and third classes, whoever, by himself or by his servant or agent, or as the servant or agent of any other person, sells, exchanges or delivers, or has in his custody or possession with intent to sell or exchange, or exposes or offers for sale or exchange, adulterated

milk, or milk to which water or any foreign substance has been added, or milk produced from cows fed upon any substance in a state of putrefaction, or from sick and diseased cows, shall, for such offence, be punished by fine of not less than twenty, nor more than one hundred dollars.

9. *Diluted or skimmed milk.* Whoever, by himself or by his servant or agent, or as the servant or agent of any other person, sells, exchanges or delivers, or has in his custody or possession, with intent to sell or exchange, or exposes or offers for sale as pure milk, any milk from which the cream or any part thereof has been removed, shall, for such offence, be punished by the penalty provided in the preceding section.

10. *Skimmed milk must be so marked.* No dealer in milk and no servant or agent of such a dealer, shall sell, exchange or deliver, or have in his custody or possession, with intent to sell, exchange or deliver, milk from which the cream or any part thereof has been removed, unless in a conspicuous place above the center upon the outside of every vessel, can or package, from or in which such milk is sold, the words "skimmed milk" are distinctly painted in letters not less than one inch in length. Whoever violates the provisions of this section, shall, for such offence, be punished by the penalty provided in section one of this act.

11. *Milk standard.* If the milk mentioned in sections one and two of this act is shown, upon analysis, to contain more than eighty-seven and fifty one-hundredth per centum of watery fluid, and to contain less than twelve and fifty one-hundredth per centum of milk solids, and less fat than three per centum, and if the specific gravity at sixty degrees Fahrenheit is not between one and twenty-nine one thousandths to one and thirty-three one thousandths, it shall be deemed to be adulterated.

12. *Skimmed milk standard.* If the skimmed milk mentioned in section three of this act, is shown, upon analysis, to contain less than six per centum of cream by volume, and less than two and five-tenths per centum of fat by weight, and if the specific gravity at sixty degrees Fahrenheit, is not between one and thirty-two thousandths, to one and thirty-seven thousandths, it shall be deemed to be adulterated.

13. *Milk tests.* Whenever the inspector of milk has reason to believe that any milk found by him is adulterated, he shall take specimens thereof and test the same with such instrument or instruments as are used for such purpose, and if the result of such test indicates that the milk has been adulterated or deprived of its cream, or any part thereof, the same shall be *prima facie* evidence of such adulteration in prosecutions under this act.

14. *Milk analyses.* If the said inspector shall deem it necessary, he shall cause such milk to be analyzed, the result of which analysis he shall record and keep as evidence, and a certificate of such result, sworn to by the analyzer, shall be admissible in evidence in prosecution under this act. The expense of such analysis, not exceeding fifteen dollars in any one case, may be included in the costs of such prosecutions.

15. *Prosecutions.* It shall be the duty of the inspector of milk to commence proceedings in the name of the board of health for any violations of the provisions of this act, from his own knowledge, or on information of any person giving satisfactory evidence to him of such violations, before any mayor, deputy mayor or alderman of said cities.

16. *Disposition of fines; nonpayment.* The recovery of fines or penalties imposed and inflicted on any person by the provisions of this act, shall be for the use of said board of health, and upon nonpayment of the fines or penalties imposed and inflicted as aforesaid, such person shall be committed to the county jail for a period not exceeding thirty days.

17. *Additional penalties.* That in addition to the fines mentioned in the foregoing sections of this act, any person or persons violating the same shall be deemed guilty

of a misdemeanor, and, upon conviction thereof, shall be liable to a fine of not less than fifty, nor more than one hundred dollars, or by imprisonment in the county jail for not less than ten, nor more than thirty days, or both, or either, at the discretion of the court.

Laws of 1885; Brightly's Purdon's Digest, vol. 2, p. 1332.

SEC. 1. *Manufacture and sale of butter substitutes.* No person, firm or corporate body shall manufacture out of any oleaginous substance or any compound of the same, other than that produced from unadulterated milk, or of cream from the same, any article designed to take the place of butter or cheese produced from pure, unadulterated milk, or cream from the same, or of any imitation or adulterated butter or cheese, nor shall sell or offer for sale, or have in his, her or their possession, with intent to sell the same as an article of food.

SEC. 2. *Sales declared void.* Every sale of such article or substance, which is prohibited by the first section of this act, made after this act shall take effect, is hereby declared to be unlawful and void, and no action shall be maintained in any of the courts of this state to recover upon any contract for the sale of any such article or substance.

SEC. 3. *Penalty; disposal of fines.* Every person, firm or corporate body who shall manufacture, sell or offer or expose for sale, or have in his, her or their possession, with intent to sell, any substance, the manufacture and sale of which is prohibited by the first section of this act shall, for every such offense, forfeit and pay the sum of one hundred dollars, which shall be recoverable, with costs, by any person suing in the name of the Commonwealth, as debts of like amount are by law recoverable, one-half of which sum when so recovered shall be paid to the proper county treasurer for the use of the county in which the suit is brought, and the other half shall be paid to the Dairy and Food Commissioner, or his agent, and by him covered into the State Treasury to be kept as a fund, separate and apart, for the use of the Department of Agriculture for the enforcement of this act, and to be drawn out upon warrants approved and signed by the Secretary of Agriculture and the Auditor General.—*As amended June 26, 1895.*

SEC. 4. *Penalty for violation of sec. 1.* Every person who violates the provisions of the first section of this act, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than one hundred dollars nor more than three hundred, or by imprisonment in the county jail for not less than ten nor more than thirty days, or both such fine and imprisonment for the first offence, and imprisonment for one year for every subsequent offence.

SEC. 5. *Reports of violations of act.* It shall be the duty of constables of the several cities, boroughs, wards and townships of this commonwealth, to make quarterly reports, under oath, to the courts of quarter sessions, of all violations of any of the provisions of this act which may come or be brought to their notice; and it shall be the duty of the judges of the said courts to see that the said returns are made regularly and faithfully.—*Secs. 1-5, approved May 21, 1885.*

SEC. 6 (1). *Use of dairy products in charitable or penal institutions.* It shall not be lawful for any charitable or penal institution in the State of Pennsylvania to use or furnish to its inmates, any substance, the manufacture or sale of which is prohibited by section one of the act, entitled "An act for the protection of the public health and to prevent the adulteration of dairy products and fraud in the sale thereof," approved May twenty-first, Anno Domini one thousand eight hundred and eighty-five (p. 344).—*Approved May 23, 1893.*

SEC. 7 (2). *Penalty for buying.* Any officer, agent, steward or other official of any such charitable or penal institution, who shall knowingly buy any substance the manufacture or sale of which is prohibited by section one of the said act of May twenty-one, Anno Domini one thousand eight hundred and eighty-five, for use in

such charitable or penal institution, or who shall knowingly cause such substance to be used by the inmates of such charitable or penal institution, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding one thousand dollars, or imprisonment not exceeding two years for each offense, or either or both, at the discretion of the court.—*Approved May 23, 1893.*

SEC. 8 (3). *Penalty for selling.* Every person who shall knowingly sell or offer for sale, to any officer, agent, steward or other official of any charitable or penal institution any substance, the manufacture or sale of which is prohibited by section one of the said act of May twenty-first, Anno Domini one thousand eight hundred and eighty-five, for use in such charitable or penal institution, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine not exceeding one thousand dollars or by imprisonment not exceeding two years, or either or both, at the discretion of the court.—*Approved May 23, 1893.*

SEC. 9 (1). *Enforcement of dairy laws.* The State Board of Agriculture be and is hereby empowered and charged with the enforcement of the provisions of the act, entitled “An act for the protection of the public health, and to prevent the adulteration of dairy products and fraud in the sale thereof,” approved May twenty-first, Anno Domini one thousand eight hundred and eighty-five, and with the enforcement of all other laws now enacted, or hereafter to be enacted, prohibiting or regulating the adulteration or imitation of butter, cheese or other dairy products.—*Approved May 26, 1893.*

SEC. 10 (2). *Dairy and food commissioner.* For the purpose of securing the enforcement of the provisions of the said laws concerning dairy products, the president of the State Board of Agriculture be and hereby is authorized and empowered to appoint an agent of the said Board, who shall be known by the name and title of the “Dairy and Food Commissioner,” who shall hold his office for the term of two years, or until his successor shall be duly appointed and qualified, and shall receive a salary of two thousand dollars per annum and his necessary expenses incurred in the discharge of his official duties under this act. The said agent shall be charged under the direction of the said Board with the execution and enforcement of all laws now enacted, or hereafter to be enacted, in relation to the adulteration or imitation of dairy products.—*Approved May 26, 1893.*

SEC. 11 (3). *Assistants; salaries.* The said agent of the said Board, the said Dairy and Food Commissioner, is hereby authorized and empowered, subject to the approval of the said State Board of Agriculture, to appoint and fix the compensation of such assistants, agents, experts, chemists, detectives and counsel as may be deemed by him necessary for the proper discharge of the duties of his office, and for the discovery and prosecution of violations of the said laws: *Provided*, That the entire expenses of the said agent and of all his assistants, agents, experts, chemists, detectives and counsel (salaries included), shall not exceed the sum appropriated for the purposes of this act.—*Approved May 26, 1893.*

SEC. 12 (4). *Inspection and sampling.* The said agent of the State Board of Agriculture and such assistants, agents, experts, chemists, detectives and counsel, as he shall duly authorize for the purpose, shall have full access, egress and ingress to all places of business, factories, farms, buildings, carriages, cars, vessels and cans, used in the manufacture, transportation and sale of any dairy products, or of any adulteration or imitation thereof. They shall also have power and authority to open any package, can or vessel containing dairy products, or any adulteration or imitation thereof, which may be manufactured, sold or exposed for sale, in violation of any of the provisions of any act now enacted or which may be hereafter enacted in relation to dairy products, or the adulteration or imitation thereof, and they shall also have power to take from such package, can or vessel, samples for analysis.—*Approved May 26, 1893.*

SEC. 13 (5). Disposal of fines. All penalties and costs received by the said State Board of Agriculture for violations of the said act of May twenty-first, Anno Domini one thousand eight hundred and eighty-five, and of other acts now enacted or hereafter to be enacted, prohibiting or regulating the adulteration or imitation of butter, cheese or other dairy products, shall be appropriated by the said Board to the payment only of the necessary expenses incurred by the said Dairy and Food Commissioner and his assistants and agents in the investigation, discovery and prosecution of violations of the said act.—*Approved May 26, 1893.*

SEC. 14 (6). Payment of accounts. All charges, accounts and expenses of the said Commissioner, and of all the assistants, agents, experts, chemists, detectives and counsel employed by him, shall be paid by the Treasurer of the State in the same manner as other accounts and expenses of the said State Board of Agriculture are now paid as provided by law.—*Approved May 26, 1893.*

SEC. 15 (7). Commissioner's reports. The said Commissioner shall make annual reports of his work and proceedings, and shall report in detail the number and names of the assistants, agents, experts, chemists, detectives and counsel employed by him, with their expenses and disbursements, the number of prosecutions, the number of convictions and the penalties recovered in each case, which report shall be presented to the said State Board of Agriculture at its annual meeting.—*Approved May 26, 1893.*

Brightly's Purdon's Digest, 1700-1894, vol. 2, pp. 1621, 1622.

57. (14.) Registration of dairies, etc. It shall be the duty of the Bureau of Health to make a complete registration of all dairies and milk depots in the said cities, and to require the names of the owners of the different dairies, or of the persons dealing in milk, to be legibly placed upon each vehicle used for the conveyance of milk, and any person or persons refusing or neglecting to give such information, or to place his or their name or names on said vehicles as aforesaid, shall be liable to a fine of not more than twenty dollars for each and every day the same shall be omitted.

58. (15.) Adulterated milk unlawful. It shall be unlawful for any person or persons to offer for sale, exchange or delivery, or to have in their custody or possession, with intent to sell, exchange or deliver, or expose or offer for sale or exchange, any milk adulterated with water or other substance, or any milk from diseased cows or goats; and if any person or persons shall violate any of the provisions of this section, he, she or they shall be subject to all the penalties prescribed in section 11^a of this act, and, in addition thereto, said bureau of health shall have the power and authority to seize, condemn and confiscate such milk.—*As amended May 2, 1899, Laws of 1899, No. 113, sec. 8, p. 172.*

59. (16.) Enforcement of law. It shall be the duty of the said Bureau of Health to see that the provisions of sections fourteen and fifteen of this act are enforced, and for that purpose its officers shall have the right at all times to enter all places where milk may be sold, or stop any vehicle used in conveying the same, and cause a sample to be tested or analyzed.

60. (17.) Marking of milk wagons. Any person or persons who shall in any of said cities engage in or carry on the sale, exchange, or traffic in milk, shall have the carriage or vehicle from which the same is vended conspicuously marked with his, her or their names, also designating the locality from which said milk is obtained or where produced, and for every neglect of such marking, the person or persons so neglecting shall be subject to a fine not exceeding ten dollars. For marking wagons or vehicles so as to convey the idea that said milk is procured from or produced in a different locality than it really is, the person or persons so offending shall be subject to a fine not exceeding fifty dollars. The addition of water or of ice to

^aNo penalty prescribed.

milk, is hereby declared an adulteration, and any milk obtained from animals fed on distillery waste or any substance in a state of putrefaction, is hereby declared to be impure and unwholesome.

Approved June 26, 1895. Laws 1895, Act 258, p. 350; Brightly's Digest of Laws, 1893-1903, p. 557.

SEC. 1. *Preservatives in milk; penalty.* The sale or offering for sale of milk for human consumption in this Commonwealth, to which has been added boracic acid, salt boracic acid, salicylic acid, salicylate of soda or any other acid drug, compound or substance, shall be a misdemeanor and punishable by a fine of not more than one hundred dollars, or an imprisonment not exceeding three months, or both, or either, at the discretion of the court.

Law of June 26, 1895; Brightly's Digest of Laws, 1893-1903, p. 439.

2. (1) *Preservatives in milk.* If any person, firm or corporate body, by himself, herself or themselves, or by his, her or their agents or servants, shall offer for sale, expose for sale, sell, or have in possession with intent to sell, for human consumption, milk or cream to which has been added boracic acid salt, boracic acid, salicylic acid, salicylate of soda, formaline, formaldehyde, sodium fluoride, sodium benzoate, or any other compound or substance for the purpose of preserving or coloring the same, shall be deemed guilty of a misdemeanor, and upon conviction thereof in the Court of Quarter Sessions of the proper county shall be sentenced to pay a fine of not less than fifty nor more than one hundred dollars, or to undergo an imprisonment not exceeding sixty days, or both, at the discretion of the court.—*As amended April 19, 1901, Laws 1901, Act 59, p. 85.*

3. (2) *Enforcement of act.* The agent of the Department of Agriculture, known as the Dairy and Food Commissioner, shall be charged with the enforcement of all the provisions of this act, and shall have all the power to enforce this act that is given him to enforce the provisions of the act by which he receives his appointment.

4. (3) *Disposition of fines, etc.* All penalties and costs for the violation of the provisions of this act shall be paid to the Dairy and Food Commissioner or his agent, and by him paid into the State Treasury, to be kept as a fund, separate and apart, for the use of the Department of Agriculture for the enforcement of this act, and to be drawn out upon warrant signed by the Secretary of Agriculture and the Auditor General.

5. (4) *Repeal.* All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved June 10, 1897. Laws 1897, Act 118, p. 142; Brightly's Digest of Laws, 1893-1903, pp. 439-440.

SEC. 1. *Adulterated cheese.* No person, firm or corporate body shall manufacture, sell, offer for sale or have in his or their possession with intent to sell, any cheese not the legitimate product of pure, unadulterated milk or cream, or any cheese into which any foreign fats or substances have been introduced as may appear upon proper test.

SEC. 2. *Grades of cheese; branding.* All cheese manufactured or sold within this Commonwealth shall be divided into five grades, and shall be branded or stenciled in ordinary bold-faced capital letters, not less than ONE-HALF inch in height on one side of each cheese, and upon one side of the box or case containing the cheese, the manufacturer's name and postoffice address, and the words "FULL CREAM," "THREE-FOURTHS CREAM," "ONE-HALF CREAM," "ONE-FOURTH CREAM," and "SKIMMED CHEESE." All cheese branded "FULL CREAM" shall contain not less than thirty-two per centum of butter fat, as may appear upon proper test. All cheese branded

"THREE-FOURTHS CREAM" shall contain not less than twenty-four per centum of butter fat, as may appear upon proper test. All cheese branded "ONE-HALF CREAM" shall contain not less than sixteen per centum of butter fat, as may appear upon proper test. All cheese branded "ONE-FOURTH CREAM" shall contain not less than eight per centum of butter fat, as may appear upon proper test. All cheese containing less than eight per centum of butter fat, as may appear upon proper test, shall be branded "SKIMMED CHEESE:" *Provided, however,* That all full-cream cheese sold, shipped or consigned to dealers outside of the Commonwealth of Pennsylvania may be branded, or stenciled, or not, as required by this act, at the option of the manufacturer.—*Amendment of May 2, 1901, Laws 1901, Act 95, p. 128.*

SEC. 3. *Penalties.* Every person, firm or corporation who shall violate any of the provisions of this act shall, for every such offense, forfeit, and pay the sum of not less than fifty dollars, nor more than one hundred dollars, together with all charges and expenses for inspection and analysis connected therewith, by any person suing therefor in the name of the Commonwealth, as debts of like amount are by law recoverable; and justices of the peace and aldermen throughout this Commonwealth, shall have jurisdiction to hear and determine all actions arising under the provisions of this act, and all cheese not in accordance with this act shall be subject to forfeiture and spoliation: *Provided,* That the Department of Agriculture, through its officers, known as the Dairy and Food Commissioner, together with his deputies, agents and assistants, shall be charged with the enforcement of the provisions of this act, and shall have authority to enter any building or factory where the same is sold or manufactured or exposed for sale, and shall have the right to take samples sufficient for analysis, upon tendering the value thereof. All fines and penalties, including also all charges for inspection and analysis, shall be paid to the Dairy and Food Commissioner, his deputies, agents or assistants, and by him immediately covered into the State Treasury, and so much of said fund as may be necessary for the enforcement of this act shall be drawn out upon warrants signed by the Secretary of Agriculture and Auditor General: *Provided,* That the provisions of this act shall not be construed to apply to such cheese as is known as "fancy" cheese and is under five pounds in weight, each; or to what is known as cottage cheese or pot cheese, and do not contain anything injurious to health.

SEC. 4. This act shall take effect sixty days after its approval by the Governor of the Commonwealth.

Approved June 23, 1897. Laws, 1897, Act 164, p. 202; Brightly's Digest of Laws, 1893-1904, pp. 111-112.

26. (1) *Label for renovated butter.* No person, firm, or corporate body shall, within this State, sell, or offer or expose for sale, or have in his, her or their possession with intent to sell, any butter not labeled in compliance with the provisions of this act. Butter produced by taking original packing stock and other butter and melting the same, so that the butter oil can be drawn off, mixed with skimmed milk or other material, and by emulsion or other process produce butter, and butter produced by any similar process, and commonly known as "Boiled" or "Process" butter, shall before sale, and before being offered or exposed for sale, and while in the possession of any person, firm or corporate body with intent to sell the same, be plainly labeled "Renovated Butter," in the manner prescribed by this act. If sold, offered or exposed for sale, or in possession of any person, firm or corporate body with intent to sell the same in prints or rolls, the prints or rolls shall be covered by wrappers, on which shall be printed in conspicuous letters the words "Renovated Butter." If packed in tubs or other receptacles, and sold or offered or exposed for sale or held in the possession of any person, firm or corporate body with intent to sell the same, the said words shall be printed in one-inch letters on the top and two

sides of the tub or receptacle; if uncovered and not contained in a tub or other receptacle, and sold or offered or exposed for sale, or held in the possession of any person, firm, or corporate body with intent to sell the same, a placard containing the said words shall be attached to the mass, in a manner making them plain and prominent.

27. (2) Penalties; inspection authority. Every person, firm, or corporate body who shall violate any of the provisions of this act shall, for every such offense, forfeit and pay not less than twenty-five dollars nor more than one hundred dollars, which shall be recoverable with costs, including expenses of inspection and analysis, by any person suing in the name of the Commonwealth, as debts of like amount are by law recoverable: Provided, That the Department of Agriculture, through its officer known as the Dairy and Food Commissioner, together with the deputies, agents and assistants, shall be charged with the enforcement of this act, and shall have full access to all places of business, factories, buildings, carriages, cars, vessels, barrels, and packages of whatever kind, used in the manufacture and transportation and sale of any butter, or of any adulteration or imitation thereof. They shall also have power and authority to open any package, barrel or vessel containing any butter, or any adulteration or imitation thereof, which may be manufactured, sold, or offered or exposed for sale, or held in possession with intent of the holder to sell; and they shall also have full power and authority to take the samples therefrom for analysis upon tendering the value of said samples. And all charges, accounts and expenses of the Department for the enforcement of this act, through the said commissioner and his deputies, agents, assistants, chemists and counsel employed by him in carrying out the provisions of this act, shall be paid by the Treasurer of the State in the same manner as other accounts and expenses of the said Department are paid. And all penalties and costs for the violation of the provisions of this act shall be paid to the said Dairy and Food Commissioner, or his agents, and by him immediately covered into the State Treasury.

28. (3) Violation of act a misdemeanor; penalty. Every person who violates any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days, or both fine and imprisonment, for the first offense; and a fine of one hundred dollars and imprisonment for thirty days, for every subsequent offense: Provided, That all fines and costs, including the expense of inspection and analysis imposed under this section, shall be covered into the State Treasury, as provided by section two of this act; and all butter sold or offered or exposed for sale, or held in the possession of any one with intent to sell the same, in violation of the provisions of this act shall be subject to forfeiture and spoliation.

29. (4) Jurisdiction. Magistrates and justices of the peace throughout this Commonwealth shall have jurisdiction to hear and determine actions arising for violations of the provisions of this act, and to hold for court or impose the penalties provided therein, subject to appeal as the law shall direct.^a

Law of May 4, 1899; Brightly's Digest of Laws, 1893-1903, p. 694.

1. Imitation butter prohibited; proviso. No person, firm or corporate body, by himself, herself or themselves, or by his, her or their agents or servants, shall render or manufacture, sell, ship, consign, offer for sale, expose for sale, or have in his, her or their possession, with intent to sell, any article, product or compound made wholly or partly out of any fat, oil, or oleaginous substance or compound thereof, not produced from unadulterated milk or cream from the same, without the admixture or addition of any fat foreign to the said milk or cream, and which shall be in

^aThis act, so far as inconsistent, is repealed by the act of July 10, 1901, see p. 537.

imitation of yellow butter, produced from pure, adulterated^a milk or cream of the same, with or without coloring matter: Provided, That nothing in this act shall be construed to prohibit the manufacture or sale, or offering or exposing for sale, or having in possession with intent to sell, oleomargarine or butterine or any similar substance, free from coloration or ingredients that cause it to look like butter, and in a separate and distinct form, and in such manner as will advise the consumer of its real character, if the person, firm or corporate body who shall manufacture, sell or offer, or expose for sale, or have in his, her or their possession, with intent to sell, any of the said substances, shall first obtain a license, and pay a license fee, as herein-after provided, and shall in all other respects comply with the provisions of this act.

2. *Placards and labels for oleomargarine.* It shall be unlawful for any person, firm or corporate body to sell or offer, or expose for sale, or have in possession with intent to sell, oleomargarine, butterine or any similar substance, not marked and distinguished on the outside of each tub, package or parcel thereof, in a conspicuous place, by a placard with the word "oleomargarine" or "butterine," and not having also upon every open tub, package or parcel thereof, in a conspicuous place, a placard with the word "oleomargarine" or "butterine," such placard in each case to be printed in plain, uncondensed gothic letters, not less than one inch long, and such placard shall not contain any other words thereon, and every print or roll shall be wrapped in wrappers plainly stamped on the outside thereof with the words "oleomargarine" or "butterine," and where oleomargarine or butterine or other similar product is sold from solid packages, before being delivered to the purchaser it shall be wrapped by the seller thereof in a wrapper plainly stamped on the outside thereof "oleomargarine" or "butterine," and said wrapper shall contain no other words.

3. *License for sale of oleomargarine; display of same; expiration; definitions.* Every person, firm or corporate body, and every agent of such person, firm or corporate body, who shall manufacture, sell or offer, or expose for sale, or have in his, her or their possession with intent to sell, oleomargarine, butterine or any similar substance, shall first obtain from the Department of Agriculture through its agent, the Dairy and Food Commissioner, a license authorizing him, her or them to engage in the manufacture or sale of oleomargarine or butterine or similar substance, for which said license he, she or they shall pay, if a manufacturer, the annual sum of one thousand dollars; if a wholesaler, the annual sum of five hundred dollars; and if a retailer, the annual sum of one hundred dollars; if a restaurant keeper, or a hotel proprietor, the annual sum of fifty dollars; and if a boarding-house keeper, the annual sum of ten dollars; and the said license fee when received by the Dairy and Food Commissioner or his agent shall be by him immediately covered into the State Treasury. And after obtaining the license required by this section, before any person, firm or corporate body shall manufacture, sell or offer, or expose for sale, or have in his, her or their possession with intent to sell, oleomargarine or butterine or any similar substance, he, she or they shall be required to procure from the Department of Agriculture, through the Dairy and Food Commissioner, a sign or signs, as the Dairy and Food Commissioner shall determine, which in size and lettering shall be as the Dairy and Food Commissioner shall direct, and shall be uniform throughout the Commonwealth, clearly setting forth that he, she or they are engaged in the manufacture or sale of oleomargarine or butterine or any other similar substance, as the case may be which said sign or signs, when procured, shall be hung up in a conspicuous place or places on the walls of the rooms or store in which the oleomargarine or butterine or other similar substance is manufactured or sold: Provided, That peddlers and others who may have obtained a license as herein required, and who shall sell, offer or expose for sale, or have in their pos-

^aSo in Statutes.

session with the intent to sell, oleomargarine or butterine or any similar substance, upon the public streets or ways, may sell or offer or expose for sale, or have in their possession with intent to sell, the same, if the cart, wagon or vehicle, or receptacle in which the oleomargarine or butterine or other substance is contained, is marked or placarded on two sides of the exterior of said vehicle or receptacle in uncondensed gothic letters, not less than four inches in length, with the words "Licensed to sell oleomargarine" or "Licensed to sell butterine," and if they shall in all other respects comply with the provisions of this act. All licenses under this act shall expire on the thirty-first day of December of each year; but licenses may be granted the first of any month for the remainder of a year, upon the payment of a proportionate part of an annual license fee. Wholesale dealers within the meaning of this act, shall be all persons, firms, and corporate bodies who shall sell to dealers, and persons who shall buy to sell again, and all persons, firms and corporate bodies who make sales in quantities of ten pounds and over at any time; and retail dealers shall be all persons, firms and corporate bodies who shall sell in quantities less than ten pounds.

4. Penalties. Every person, firm, or corporate body who shall manufacture, sell or offer, or expose for sale, or have in his, her or their possession with intent to sell, oleomargarine or butterine or any similar substance, in violation of any^a the provisions of this act, or who shall in any other respect violate any of its provisions shall for every such offense forfeit and pay the sum of one hundred dollars, which shall be recoverable, with the costs, including the expense of inspection and analysis, by any person suing in the name of the Commonwealth, as debts of like amount are by law recoverable; and justices of the peace and aldermen throughout this Commonwealth shall have jurisdiction to hear and determine all actions for recovery of penalties, with the right of appeal in either party to the court of common pleas, as provided in existing laws in suits for penalties; and all penalties and costs imposed and recovered under the provisions of this act shall be paid to the Dairy and Food Commissioner or his agent, and by him immediately covered into the State Treasury. Any person, firm or corporation who shall manufacture, sell, or offer or expose for sale, or have in his, her or their possession with the intent to sell, oleomargarine or butterine or any other similar substance, in violation of any of the provisions of this act, or who shall in any other respect violate any of its provisions, shall also be guilty of a misdemeanor, and upon conviction thereof shall be punished for the first offense by a fine of not less than one hundred dollars nor more than five hundred dollars, and upon his conviction for any subsequent offense shall be punished by a fine not less than one hundred and fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than sixty days, or by both fine and imprisonment, at the discretion of the court; and all fines imposed upon any person after conviction shall be paid to the Dairy and Food Commissioner or his agent, and by him paid into the State Treasury.

5. Enforcement. The Dairy and Food Commissioner shall be charged with enforcement of all the provisions of this act, and shall have the same power to enforce its provisions as is given him to enforce the provisions of the act by which he receives his appointment.

6. Fund for enforcement. The moneys paid into the Treasury under the provisions of this act shall constitute a special fund for the use of the Department of Agriculture in enforcing this law, and may be drawn out upon warrants signed by the Secretary of Agriculture and approved by the Auditor General.

7. Repeal. All acts or parts of acts inconsistent with this act are hereby repealed, but the repeal of said acts is not in any way to interfere with or prevent the prose-

^aSo in Statutes.

cution to final termination of any actions, civil or criminal, now pending for violations of said acts.

Law of May 5, 1899; Brightly's Digest of Laws, 1893-1903, pp. 687-689.

6. (1) *Adulterated or diluted milk.* Whoever by himself or by his servant or agent, or as the servant or agent of any person, sells, exchanges or delivers, or has in his custody or possession, with intent to sell or exchange or dispense, or offers for sale, as pure milk, any milk from which the cream or any part thereof has been removed, or which has been adulterated or changed in any respect by the addition of water or other substance, shall be liable to the penalties hereinafter provided.

7. (2) *Skimmed milk must be labeled.* No dealer in milk, or agent of such dealer, shall sell, exchange or deliver, or have in his custody or possession, with intent to sell, exchange or deliver, milk from which the cream or any part thereof has been removed, unless in a conspicuous place, above the center, on the outside of each vessel, can or package from and in which such milk is sold, conveyed or delivered the words "skimmed milk" are permanently soldered, in metallic letters, not less than one inch in height: *Provided*, That in case of the delivery of skimmed milk in glass bottles, the words "skimmed milk" shall be blown in the bottle, in letters of not less than one inch in height.

8. (3) *Standard for skimmed milk.* No person shall sell, exchange or deliver, or have in his custody or possession with intent to sell, exchange or deliver, skimmed milk containing less than eight per centum of the milk solids, exclusive of butter fat.

9. (4) *Care of milch cows.* Every person who shall sell or offer for sale, or who shall transport or carry for the purpose of sale, or shall have in his possession with intent to sell, any impure, adulterated or unwholesome milk, and every person who shall adulterate milk, or who shall keep cows, for the production of milk, in a crowded or unhealthy condition, or feed the same on food that produces impure, diseased or unwholesome milk, or who shall feed cows on distillery waste, usually called "swill," or upon any substance of an unwholesome nature, or who shall not allow his cows free movement in the open air, at pasture (weather permitting), at least four hours each day, shall be liable to the penalties provided.

10. (5) *Adulterations and unwholesome conditions specified.* The addition of water, ice or any other substance or thing is hereby declared an adulteration; and milk that is obtained from animals that are fed on distillery waste, usually called "swill," or upon any substance in a state of decomposition, or upon any substance of an unwholesome nature, or milk that has been exposed to or adulterated by the emanations, discharges or exhalations from persons or animals having any contagious diseases, by which the health or life of any person may be endangered, or milk from tuberculous cows, or cows suffering from any febrile disease, is hereby declared to be impure and unwholesome.

11. (6) *Standard for milk.* No person shall sell, exchange, or deliver, or transport, or have in his, her or their possession for the purpose of sale of, any milk which contains more than eighty-eight per centum of water, and less fat than three per centum, and the specific gravity of which, at sixty degrees Fahrenheit, is not between one and twenty-nine thousandths and one and thirty-three thousandths; and all milk of lower grade or quality than is established by this section shall be deemed and taken and is hereby declared to be adulterated and impure within the meaning of this act.

12. (7) *Diseased cows; examinations and certificates.* On and after the passage of this act, for all milk brought into, or offered for sale in, the cities of the second class, satisfactory evidence shall be furnished to the bureau of health by the producers or dealers that said milk has been produced by healthy cows, and especially that they are free from tuberculosis, which conditions of health shall be determined by examinations and tuberculin tests to be made by the veterinarian who may be employed

by the proper authorities of the city. After examinations have been made, the veterinarian shall place upon each animal found by him to be in a healthy condition an ear tag, to be furnished by the bureau of health, and also furnish to said bureau a certificate setting forth that each of said animals is free from disease, is being properly fed, and that the premises occupied by them are in good sanitary condition. Subsequent examinations, tests and certificates, as aforesaid, may be required by the superintendent, whenever in his opinion, based upon reliable information, any of said animals are in an unhealthy condition, or the premises occupied by them are in an unsanitary state; and the superintendent, his officers, agents and experts shall at all times have full and free access to any place or places where such animals are kept, for the purposes aforesaid, where such animals and the milk therefrom are kept, whether such places be within or beyond the limits of such cities, and any person impeding such access shall be guilty of a violation of this act.

13. (8) Licenses for milk wagons; records. The Superintendent of the Bureau of Health shall, on or before the first day of September of each year, license all persons who convey milk in wagons, or otherwise, for the purpose of selling the same within the cities to which this act applies, said license to be renewed annually. He shall also keep a record of the names, residences, places of business, number of wagons or other vehicles used for the purpose, the name and residence of every driver or other person engaged in carrying or selling milk and the number of the license. The latter shall be legibly printed, together with the name of the owner, on each outer side of all wagons or vehicle used in conveyance or sale of milk, in letters not less than four inches in height. He shall also license and register every person selling or offering milk for sale in a store, stand or market place within the city, which license shall be displayed conspicuously in said place of business. The dealer or vender shall, upon order of the superintendent of the bureau of health, pay into the city treasury the sum of one dollar, and receive therefor a receipt, presentation of which at the office of the bureau of health shall entitle him to license: *Provided*, That all the provisions and requirements of section seven of this act have been complied with.

14. (9) Penalty. Any person who shall engage in or continue the sale of milk in said city without first having obtained such license, or who shall violate any of the provisions of this act, shall be liable to a penalty of not less than ten dollars or more than twenty-five dollars for the first offense, and a penalty of not less than twenty-five dollars nor more than fifty dollars for the second offense, and for each offense thereafter not less than fifty dollars nor more than one hundred dollars. All fines and penalties imposed by this act shall be recoverable by summary proceedings before any alderman or police magistrate in any of said cities, and all suits or actions at law instituted for the recovery thereof shall be in the name and for the use of the city within or against which the offense is committed; and upon recovery thereof, all such fines and penalties shall be paid to the city treasurer thereof. In default of the payment of any fine or penalty imposed by any alderman or police magistrate, under the provisions of this act, the person or persons so offending may be committed to the jail, workhouse or other penal institution of the county in which said city is situated, for a period not exceeding thirty days.

15. (10) Repeal. All acts or parts of acts inconsistent herewith be and the same are hereby repealed.

Approved May 16, 1901. Laws 1901, Act 164, pp. 221-224; Brightly's Digest of Laws, 1893-1903, pp. 440-441.

8. (1) License necessary for imitation butter trade; coloring; labeling, etc. No person, firm or corporation shall, by himself, herself or themselves, or by his, her or their agent or servant, nor shall any officer, agent, servant or employe of any person, firm

or corporation, manufacture, sell, ship, consign, offer for sale, expose for sale, or have in possession with intent to sell, oleomargarine, butterine, or any similar substance, article, product or compound, made wholly or partly out of any fats, oils or oleaginous substance, or compound thereof, not produced from pure unadulterated milk, or cream from the same, without the admixture or addition of any fat foreign to the said milk or cream, and which shall be in imitation of yellow butter, produced from pure, unadulterated milk, or cream of the same, with or without coloring matter, unless such person, firm or corporation shall have first obtained a license and paid a license fee, as hereinafter provided; nor unless the said article, product or compound, so manufactured, shipped, consigned, offered for sale, exposed for sale, or had in possession with intent to sell, shall be made and kept free from all coloration or ingredients causing it to look like yellow butter; nor unless the same shall be kept and presented in a separate and distinct form, and in such manner as will advise the purchaser and consumer of its real character; nor unless such person, firm or corporation shall in all other respects comply with and observe the provisions of this act.

9. (2) Application for license; fees; wholesale dealers. Every person, firm or corporation, and every agent of such person, firm or corporation, desiring to manufacture, sell or offer, or expose for sale, or have in possession with intent to sell, oleomargarine, butterine, or any similar substance, not made or colored in imitation of yellow butter, shall make application for a license so to do, in such form as shall be prescribed by the Department of Agriculture through its agent, the Dairy and Food Commissioner; which application, in addition to other matters which may be required to be stated therein by said Dairy and Food Commissioner, shall contain an accurate description of the place where the proposed business is intended to be carried on, and the name and style under which it is proposed to conduct the said business. If the said application is satisfactory to the said Dairy and Food Commissioner, and said name and style shall not, in the judgment of the Dairy and Food Commissioner, be calculated to deceive or mislead the public as to the real nature of the business so proposed to be carried on, he shall issue to the applicant or applicants a license, authorizing him, her or them to engage in the manufacture or sale of oleomargarine, or butterine, or any similar substance, which shall not contain any coloration or ingredient that causes it to resemble or be in imitation of yellow butter; for which said license the applicant or applicants shall first pay: if a manufacturer, the annual sum of one thousand dollars; if a wholesaler, the annual sum of five hundred dollars; and if a retailer, the annual sum of one hundred dollars; if a proprietor of a hotel, restaurant or dining-room, the annual sum of fifty dollars; and if a proprietor of a boarding-house, the annual sum of ten dollars; and the said license fee, when received by the Dairy and Food Commissioner or his agent, shall be by him immediately covered into the State Treasury. Such license shall not authorize the manufacture or sale, exposing for sale, or having in possession with intent to sell, oleomargarine, butterine or any similar substance, at any other place than that designated in the application and license; and the said license shall not authorize the manufacture, sale, exposing for sale, or having in possession with intent to sell, any oleomargarine, butterine or any similar substance, made or colored so as to resemble or be in imitation of yellow butter.

10. Duration of licenses. All licenses under this act shall expire on the thirty-first day of December of each year, but licenses may be granted to commence on the first day of any month for the remainder of a year, upon the payment of a proportionate part of the annual license fee; such licenses may be transferred by the Dairy and Food Commissioner upon the application in writing of the person, firm or corporation to which the same has been granted: *Provided*, The transferee shall comply with the regulations made by the said Dairy and Food Commissioner in regard to the said transfer, and shall thereafter comply with the provisions of this act.

11. Wholesale and retail dealers defined. Wholesale dealers, within the meaning of this act, shall be all persons, firms and corporations who shall sell to dealers, and persons who shall buy to sell again, and all persons, firms and corporations who make sales in quantities of ten pounds and over, at any time; and retail dealers shall be all persons, firms and corporations who shall sell in quantities less than ten pounds.

12. (3) Display of license; signs, and placards. After obtaining the license required by this act, the person, firm or corporation obtaining the same shall, before beginning any business under the said license, hang up and display, in a conspicuous place, on the walls of the room or store in which the oleomargarine, butterine or other similar substance is manufactured, sold or exposed for sale, the license so obtained as aforesaid; and shall also procure from the Department of Agriculture, through the Dairy and Food Commissioner, a sign or signs, which in number, size and lettering shall be as the Dairy and Food Commissioner shall direct, and which shall be uniform throughout the Commonwealth, clearly setting forth that he, she or they are engaged in the manufacture or sale of oleomargarine; which said sign or signs, when procured, shall be hung up in a conspicuous place or places on the walls of every room or store in which the oleomargarine, butterine or other similar substance is manufactured or sold. And in addition to such sign or signs, so hung up as aforesaid, every proprietor of a hotel, restaurant, dining-room or boarding-house, shall also have conspicuously placed, upon every counter or table at which food, meals or refreshments are served to customers a placard plainly printed, in letters not less than one-half inch in length, stating that oleomargarine is used and served to customers.

13. (4) Oleomargarine placards. It shall be unlawful for any person, firm or corporation, or any agent thereof, to sell, or offer or expose for sale, or have in possession with intent to sell, any oleomargarine, butterine or similar substance, not in imitation of yellow butter, which is not marked and distinguished, on the outside of each tub, package or parcel thereof, in a conspicuous place, by a placard with the word "OLEOMARGARINE" printed thereon; such placard to be placed in a conspicuous position, in full view of the purchaser, and the said word "OLEOMARGARINE" on such placard shall be printed in plain, uncondensed, Gothic letters, not less than one inch long, and such placard shall not contain any other words thereon. And there shall also be displayed upon every open tub, package or parcel containing such oleomargarine, butterine or similar substance, not in imitation of yellow butter, in the same manner, in a conspicuous position, a placard with the word "OLEOMARGARINE" printed thereon, in the same form as above described in this section; and when oleomargarine, butterine or other similar substance, not in imitation of yellow butter, is sold from tub or package, or otherwise, at retail, in print, roll or other form, before being delivered to the purchaser it shall be wrapped in wrappers, plainly stamped on the outside thereof with the word "OLEOMARGARINE," printed or stamped thereon in letters one-fourth inch square; and said wrapper shall also contain the name and address of the seller and the quantity sold, and no other words thereon, and the said word "OLEOMARGARINE," so stamped or printed on the said wrapper, shall not be in any manner concealed, but shall be in plain view of the purchaser at the time of purchase.

14. (5) Records of oleomargarine sales. Every licensed manufacturer of oleomargarine, butterine or other similar product, not in imitation of yellow butter, and every licensed wholesale dealer therein, shall keep a book in which shall be entered accurately every sale and shipment of oleomargarine, butterine or other similar substance, not in imitation of yellow butter; giving the date of sale and shipment, the quantity, the person to whom sold and shipped, the place to which shipped, and the name of the transportation line by which shipped; which book shall always be open to the examination of the Dairy and Food Commissioner, his agents, attorneys and representatives.

15. Records of dealers in oleomargarine. Every licensed retail dealer in oleomargarine, butterine or similar substance, not in imitation of yellow butter, shall keep an accurate account, in a book open to the examination of the Dairy and Food Commissioner, his agents, attorneys and representatives, in which shall be entered the date of the receipt of all purchases of oleomargarine, butterine or any similar substance, made by such retail dealer; stating therein where, when and from whom purchased, and the quantity; and the said books, so to be kept by manufacturers, wholesale and retail dealers, shall be in such form as the Dairy and Food Commissioner shall direct.

16. (6) Penalties; jurisdiction; costs. Every person, firm or corporation, and every officer, agent, servant and employe of such person, firm or corporation, who shall manufacture, sell or offer, or expose for sale, or have in possession with intent to sell, oleomargarine, butterine or any similar substance, in violation of any of the provisions of this act; or who shall sell oleomargarine, butterine, or any similar substance, as or for butter; or who shall fail to keep a book, in accordance with the last preceding section; or who shall, in any other respect, violate any of the provisions of this act, shall for every such offense forfeit and pay the sum of one hundred dollars, which shall be recoverable, with the costs, including the expense of analysis, by any person suing in the name of the Commonwealth, as debts of like amount are by law recoverable; and justices of the peace and aldermen throughout this Commonwealth shall have jurisdiction to hear and determine all actions for recovery of said penalties, with the right to either party to appeal to the court of common pleas, as provided in existing laws in suits for penalties. And all penalties and costs imposed and recovered under the provisions of this act shall be paid to the Dairy and Food Commissioner, or his agents, and by him immediately covered into the State Treasury, to be paid out and used as hereinafter provided.

17. (7) Additional penalties. In addition to the above penalty, every person, firm or corporation, and every officer, agent, servant or employe of such person, firm or corporation, who violates any of the provisions of this act shall also be guilty of a misdemeanor; and upon conviction thereof, shall be punished for the first offense by a fine of not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment in the county jail for not more than three months, or both, at the discretion of the court; and upon conviction of any subsequent offense, shall be punished by a fine of not less than five hundred dollars, nor more than one thousand dollars, and by imprisonment in the county jail for not less than six months nor more than twelve months.

18. (8) Evidence of granting of license. In any proceeding under this act, either for the collection of a penalty or a prosecution for a misdemeanor, the certificate of the Dairy and Food Commissioner and the Secretary of Agriculture, under the seal of the Department of Agriculture, shall be accepted by justices of the peace, aldermen, and court of record, as evidence of the granting of licenses to manufacture or sell oleomargarine or butterine, or of the fact that no such license has been granted to any particular person, firm or corporation.

19. (9) Restraining order while trial is pending. Whenever a suit for the collection of a penalty, under the provisions of this act, shall be appealed to any court of record, or whenever any prosecution for a misdemeanor on account of any violation of the provisions of this act has been returned to any court of quarter sessions, it shall be lawful for the Dairy and Food Commissioner, his agent or attorneys, in case the person or persons who have been sued for such penalty, or prosecuted for such misdemeanor, have since the commencement of such suit or prosecution again violated any of the provisions of this act, to apply to the court, having jurisdiction of such appeal or of such prosecution, or to any law judge thereof, by petition, setting forth the facts, and asking the said court to make an order commanding and restraining the person or persons, so sued or prosecuted as aforesaid, from further

violating any of the provisions of this act until such time as the said suit for penalty or the said prosecution shall have been finally decided and determined; and thereupon the said court, or any law judge thereof, after such notice to such person or persons, so sued or prosecuted as aforesaid, as to the said court or judge may appear proper, and after inquiring into the facts alleged in said petition, shall, if satisfied that any violation of the provisions of this act has been committed by such person or persons since the commencement of said suit or prosecution, make an order commanding and restraining the said person or persons from any further violation of the provisions of this act until such time as the said suit or prosecution shall have been finally decided and determined; and in case, upon the final determination of said suit or prosecution, it shall appear that the said person or persons had incurred the liability to payment of the penalty for which suit had been so brought, or has been duly convicted of a misdemeanor in the prosecution so commenced as aforesaid, the said court or law judge thereof shall make the aforesaid order, restraining the said person or persons from the further violation of the provisions of this act, continuing and permanent; and any violation by any person or persons of any such restraining order of such court or judge, whether the said restraining order shall be made during the pendency of a suit for penalty or of a prosecution as above stated, or after the final determination of such suit or prosecution in the manner aforesaid, shall be punishable as a contempt of the court so making the said order; and the said court is hereby authorized to take such steps for the punishment of such contempt as may by law be now taken for disregarding any injunction or other order of the courts of common pleas of this Commonwealth, sitting in equity and exercising equity jurisdiction. No security shall be required on the part of the petitioner for such restraining order, and the costs of the application and subsequent proceedings thereon shall be in the discretion of the court.

20. (10) *Report of violations of law; prosecutions.* It shall be the duty of every constable in any city, borough, ward or township of this Commonwealth, having knowledge of any violation of this act, or whenever requested so to do by the Dairy and Food Commissioner, his agent, or attorney, or by any citizen of this Commonwealth, to make report to the court of quarter sessions of the proper county, as part of his quarterly report and return to said court, of the name of every person, firm or corporation known by him to have violated any of the provisions of this act, or alleged by the person so giving notice as aforesaid to said constable to have violated any of the provisions of this act, and of the names of all witnesses furnished to said constable, whose testimony it is alleged will sustain or prove the fact of such violation; and it shall be the duty of the judge of the said courts to make inquiry of all constables, at the time of the making of their quarterly returns to the court of quarter sessions, as to whether they have knowledge, and whether notice has been given to them, respectfully, of any violation of this act, in accordance with the terms of this section; and whenever such quarterly reports shall contain the name of any person alleged to have violated the provisions of this act, together with the names of witnesses to prove such violations, as also the name of the person giving notice to the constable as aforesaid, the said court shall direct the district attorney to prepare an indictment against every person so named, and call and send the witnesses, whose names have been so returned, before the grand jury then sitting, in support of the said indictment; and if a true bill shall be returned by the grand jury, thereupon to issue a summary process to bring in the person so charged to answer the matters alleged in such prosecution, and thereupon proceed to trial as speedily as possible, according to the course of practice in the said court of quarter sessions.

21. (11) *Prosecutions instigated by citizens; collaboration of dairy and food commissioner.* The Dairy and Food Commissioner shall be charged with the enforcement of all the provisions of this act; but any citizen of the Commonwealth, having knowledge or information of the violation of any of the provisions of this act, may, in the

name of the Commonwealth, begin a suit for penalty or prosecution for misdemeanor, in accordance with the provisions of this act, and may prosecute to final judgment any such suit or prosecution, giving notice in writing, however, to the Dairy and Food Commissioner of the commencement of such suit or prosecution, immediately upon the commencement of the same, stating the nature of the proceeding and the magistrate before whom commenced; and shall, in like manner, report to the Dairy and Food Commissioner each successive step taken in such suit or prosecution; and such citizen shall, upon complying with the provisions of this section, be entitled to receive one-half of any penalty or fine which may be recovered in such proceeding and paid to the Dairy and Food Commissioner; and immediately upon the receipt and covering into the treasury of any such penalty or fine, recovered and paid in any proceeding commenced by a citizen as aforesaid, the Dairy and Food Commissioner shall pay the one-half thereof to the said citizen, so commencing said proceeding and complying with the provisions of this section. Such citizen shall also be entitled to recover from the defendant his witness fees and other legal costs as fixed by law, in said proceeding.

22. (12) *Disposition of fines, etc.* The money paid into the Treasury under the provisions of this act shall constitute a special fund, for the use of the Department of Agriculture in enforcing this law; and may be drawn out upon warrants signed by the Secretary of Agriculture and approved by the Auditor General, subject, however, to the payment to any citizen commencing and successfully prosecuting a proceeding for any violation of this act, under the last preceding section, of one-half of the penalty or fine so recovered in such proceeding and paid into the State Treasury.

23. (13) *Inspection and sampling.* The Dairy and Food Commissioner, his assistants, agents, experts, chemists, detectives and counsel, duly appointed by him for the purpose, shall have full access, egress and ingress to all places of business, factories, farms, buildings, carriages, cars, vessels and cans, used in the manufacture, transportation and sale of any dairy products, or of any adulteration or imitation thereof; and shall also have power and authority to open any package, can or vessel containing, or which may be supposed to contain, oleomargarine, butterine or other similar substance, or any adulteration or imitation of butter, which may be manufactured, sold or exposed for sale in violation of any of the provisions of this act, or of any act which may be hereafter enacted in relation to butter or the adulteration or imitation thereof; and they shall also have power to take from such package, can or vessel samples for analysis, upon paying or tendering the value of such samples.

24. (14) *Bulletin of dairy and food commissioner.* The Dairy and Food Commissioner shall publish a semi-annual bulletin, and distribute the same in the same manner as other bulletins of the Department of Agriculture are published and distributed; which semi-annual bulletin shall contain the name and address of every person, firm or corporation to whom a license has been issued for the manufacture or sale of oleomargarine, butterine or other similar substance; and, also, a tabulated statement of all the actions, civil or criminal, which have been brought for the violations of this act, giving the name and address of the defendant, and the disposition of every such case.

25. (15) *Repeal.* All acts or parts of acts inconsistent with this act are hereby repealed; but the repeal of said acts shall not in any way interfere with, or prevent the prosecution to final termination of, any actions, civil or criminal, now pending or which may hereafter be commenced, for any violation of said acts which has already been committed.

Approved May 29, 1901. Laws, 1901, act 208, pp. 327-335; Brightly's Digest of Laws, 1893-1903, pp. 689-693.

30. (1) "*Boiled*" or "*process*" butter defined. For the purposes of this act certain food products, usually known as "*boiled*" or "*process*" butter, produced by taking

original packing stock and other butter and melting the same so that the butter oil can be drawn off, mixed with milk or skimmed milk or other material, and by emulsion or other process produce butter, and butter produced by any similar process, and commonly known as "boiled" or "process" butter; and which "boiled" or "process" butter for the purpose of this act shall be known and designated as "renovated butter."

31. (2) License for trade in "renovated butter;" fees; display of signs and license. Every person, firm or corporation, and every agent of such person, firm or corporation, who shall desire to engage in the business of manufacturing or selling "renovated butter," shall first make application to the Department of Agriculture for a license, authorizing him, her or them to engage in the manufacture or sale of "renovated butter," and such application for license shall be in such form as shall be prescribed by the Department of Agriculture through its agent, the Dairy and Food Commissioner; which application, in addition to other matters which may be required to be stated therein by the said Dairy and Food Commissioner, shall contain an accurate description of the place where the proposed business is intended to be carried on, and the name and style under which it is proposed to conduct the said business, which name and style shall not, in the judgment of the Dairy and Food Commissioner, be calculated to deceive or mislead the public as to the real nature of the business so proposed to be carried on; and if the said application is satisfactory to the said Dairy and Food Commissioner, he shall issue to the applicant or applicants a license, authorizing him, her or them to engage in the manufacture or sale of "Renovated Butter," for which said license the applicant or applicants shall first pay, annually, the following sum: if a manufacturer, the annual sum of one thousand (\$1,000) dollars; if a wholesale dealer, the annual sum of five hundred (\$500) dollars; if a retailer, the annual sum of one hundred (\$100) dollars; if a restaurant keeper or dining-room proprietor, or a hotel proprietor, the annual sum of fifty (\$50) dollars; if a boarding house keeper, the annual sum of ten (\$10) dollars; and the said license fees, when received by the said Dairy and Food Commissioner or his agent, shall be by him immediately paid into the State Treasury. All licenses under this act shall expire the thirty-first day of December of each year, but licenses may be granted to begin on the first of any month, for the remainder of a year, upon the payment of a proportionate part of the annual license fee.

32. Wholesale dealer defined. Wholesale dealers, within the meaning of this act, shall be all persons, firms or corporations who shall sell to dealers, and persons who shall buy to sell again, and all persons, firms and corporations who make sales in quantities of ten pounds and over at any time. An agent of a manufacturer located outside of the State, and taking orders within this State for such "Renovated Butter," to be delivered from the factory or from a storage house, or from one place of business to another within this State, shall be, within the meaning of this act, a wholesale dealer.

33. Retail dealer; defined. And retail dealers shall be all persons, firms or corporations who sell in quantities of less than ten pounds. Every restaurant keeper or dining-room proprietor or hotel proprietor or boarding house keeper, who furnishes "Renovated Butter" as part of the meal served to customers or guests, shall be regarded as a dealer in "Renovated Butter."

34. Transfer of license. Such license may be transferred by the Dairy and Food Commissioner, upon the application in writing of the person, firm or corporation to which the same has been granted, provided the transferee shall comply with the provisions of this act, and with the regulations made by the said Dairy and Food Commissioner in regard to said transfer. Such license shall not authorize the manufacture or sale, exposing for sale or having in possession with intent to sell, "Renovated Butter" at any place other than that designated in the application and license. The license, procured as aforesaid, shall be hung up in a conspicuous place,

in the place of business, room or store where such "Renovated Butter" is authorized to be sold.

35. (3) *Sale of renovated butter on the street.* That no person, firm or corporation shall sell or offer or expose for sale, or have in his, her or their possession with intent to sell, any "Renovated Butter" from a wagon or other vehicle, or upon the public streets or roads, or from house to house.

36. (4) *Signs and stencils.* Every person, firm or corporation who shall obtain a license for the manufacture or sale of "Renovated Butter" shall also be required, before engaging in such manufacturing or sale, to procure from the Dairy and Food Commissioner a sign or signs, of such form, size and lettering as the Dairy and Food Commissioner shall determine, and which shall be uniform^a throughout the Commonwealth; which said sign or signs shall clearly set forth that he, she or they are engaged in the manufacture or sale of "Renovated Butter," and which sign or signs when procured shall be hung up in a conspicuous place or places, on the wall of each room or store or place of business in which "Renovated Butter" is manufactured or sold; and in addition to such sign or signs, so hung up as aforesaid, every restaurant keeper or dining-room proprietor, or hotel proprietor or boarding-house keeper, shall also have conspicuously placed upon every counter or table, at which food, meals or refreshments are served to customers, a placard, plainly printed in letters not less than one-half inch in length, stating that "Renovated Butter" is used and served to customers. Every person, firm or corporation who shall obtain a license as a manufacturer or wholesale dealer, for the manufacture or sale of renovated butter, shall also be required, before engaging in such manufacture or sale, to procure from the Dairy and Food Commissioner a stencil, of such form, size and lettering as the Dairy and Food Commissioner shall determine, and which shall be uniform throughout the Commonwealth; which said stencil shall designate the number of the said license, and the name and address of the holder thereof; which said stencil shall be used by the manufacturer or wholesale dealer, and said stencil brand shall be placed on each and every package, before being sold by the manufacturer or wholesale dealer to the retailer. If any package of renovated butter shall be found in the possession of any manufacturer or wholesale dealer or retail dealer, without the said stencil brand being found thereon, such package shall be seized by the Dairy and Food Commissioner or by any of his agents, and said package shall be forfeited, and shall be sold by the Dairy and Food Commissioner or his agents, and the proceeds thereof paid to the State Treasurer, for the use of the Department of Agriculture.

37. (5) *Placards, wrappers, etc., to be marked "Renovated Butter."* It shall be unlawful for any person, firm or corporation, or any agent thereof, to sell, or offer or expose for sale, or have in his, her or their possession with intent to sell, any "Renovated Butter," not marked and distinguished on the outside of each tub, package or parcel thereof, in a conspicuous place, by a placard with the words "Renovated Butter;" and such placard shall be printed in plain, uncondensed gothic letters, not less than one-half inch long, and such placard shall not contain any other words, printing or device thereon; and also, upon every open tub, package or parcel, containing such "Renovated Butter," there shall be displayed in the same manner, in a conspicuous place, a placard with the words "Renovated Butter" printed thereon, in the same form as above described in this section; and when "Renovated Butter" is sold from such package, or otherwise, at retail, in print, roll or other form, before being delivered to the purchaser it shall be wrapped in wrappers, plainly stamped on the outside thereof with the words "Renovated Butter," printed or stamped thereon in letters one-quarter of an inch square, and such wrapper shall contain no other words or printing thereon; and the said words "Renovated Butter," so stamped or printed on the said wrapped,^a shall not be in any manner concealed, but shall be in plain view of the purchaser at time of purchase.

^aSo in Statutes.

38. (6) Record of sales of renovated butter. Every person, firm or corporation who shall have obtained a license, and be engaged in the business of manufacturer or wholesale dealer in "Renovated Butter," shall keep a book, in which shall be entered accurately every sale and shipment, the quantity and person to whom sold and shipped, the place to which shipped and the name of the transportation line by which shipped; which said book shall be always open to the inspection of the Dairy and Food Commissioner, or his agents, attorneys and representatives. Every retail dealer in "Renovated Butter" shall keep an accurate account, in a book open to the examination of the Dairy and Food Commissioner, or his agents, attorneys and representatives, in which said book shall be entered the date of the receipt of all purchases of "Renovated Butter" made by such retail dealer, stating therein where and from whom purchased, and the quantity so purchased.

39. (7) Penalties; costs, etc. Every person, firm or corporation, and every agent of such person, firm or corporation, who shall manufacture, sell or offer, or expose for sale, or have in his, her or their possession with intent to sell, "Renovated Butter," in violation of the provisions of this act, or who shall in any other respects violate any of the provisions of this act, shall for every offense forfeit and pay the sum of one hundred (\$100) dollars, which shall be recoverable with the costs, including the expense of the inspection and analysis, by any person suing in the name of the Commonwealth, as debts of like amount are by law recoverable; and justices of the peace and aldermen, throughout this Commonwealth, shall have jurisdiction to hear and determine all actions for recovery of penalties for violations of the provisions of this act, with the right of appeal in either party to the court of common pleas, as provided in existing laws in suits for penalties; and all penalties and costs, imposed and recovered under the provisions of this act, shall be paid to the Dairy and Food Commissioner or his agents, and by him immediately covered into the State Treasury to be paid out and used as hereinafter provided.

40. (8) Additional penalties. In addition to the above penalty, every person, firm or corporation, and every agent of such person, firm or corporation, who violates any of the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished for the first offense by a fine of not less than one hundred (\$100) dollars, nor more than three hundred (\$300) dollars, or by imprisonment in the county jail for not more than thirty (30) days, or both, at the discretion of the court; and for the second offense, by a fine of not less than three hundred (\$300) dollars and not exceeding five hundred (\$500) dollars, and imprisonment not exceeding two (2) years.

41. (9) Proof of license for renovated butter trade. In any proceedings under this act, either for the collection of a penalty or prosecution for a misdemeanor, the certificate of the Dairy and Food Commissioner and the Secretary of Agriculture, under the seal of the Department of Agriculture, shall be accepted by justices of the peace, aldermen and courts of record as evidence of the granting of a license to manufacture or sell "Renovated Butter," or of the fact that no such license has been granted to any particular person, firm or corporation.

42. (10) Restraining order pending trial. Whenever a suit for the collection of a penalty, under the provisions of this act, shall be appealed to any court of record, or whenever any prosecution for a misdemeanor, on account of any violation of the provisions of this act, has been returned to any court of quarter sessions, it shall be lawful for the Dairy and Food Commissioner, his agents or attorneys, in case the person or persons who have been sued for such penalty or prosecuted for such misdemeanor have, since the commencement of such suit or prosecution, again violated any of the provisions of this act, to apply to the court having jurisdiction of such appeal or of such prosecution, or to any law judge thereof, by petition setting forth the facts, and asking the said court to make an order commanding and restraining

the person or persons, so sued or prosecuted as aforesaid, from further violating any of the provisions of this act until such time as the said suit for penalty or the said prosecution shall have been finally decided and determined; and thereupon the said court, or any law judge thereof, after such notice to such person or persons, so sued or prosecuted as aforesaid, as to the said court or judge may appear proper, and after inquiring into the facts alleged in said petition, shall, if satisfied that any violation of the provisions of this act has been committed by such person or persons since the commencement of said suit or prosecution, make an order, commanding and restraining the said person or persons from any further violations of the provisions of this act, until such time as the said suit or prosecution shall have been finally decided and determined; and in case, upon the final determination of said suit or prosecution, it shall appear that the said person or persons had incurred the liability to payment of the penalty for which said suit had been so brought, or has been duly convicted of a misdemeanor in the prosecution so commenced as aforesaid, the said court or law judge thereof shall make the aforesaid order, restraining the said person or persons from the further violation of the provisions of this act, continuing and permanent; and any violation by any person or persons of any restraining order of such court or judge, whether the restraining order shall be made during the pendency of a suit for penalty, or of a prosecution as above stated, or after the final determination of such suit or prosecution in the manner aforesaid, shall be punishable as a contempt of the court so making the said order. And the said court is hereby authorized to take such steps for the punishment of such contempt as may by law be now taken for disregarding any injunction or other order of the courts of common pleas of this Commonwealth sitting in equity and exercising equity jurisdiction. No security shall be required on the part of the petitioner for such restraining order, and the costs of the application and subsequent proceedings thereon shall be in the discretion of the court.

43. (11) Reports of violations of law; prosecutions. It shall be the duty of every constable in any city, borough, ward or township of this Commonwealth, having knowledge of any violation of this act, or whenever requested so to do by the Dairy and Food Commissioner, his agent or attorney, or by any citizen of this Commonwealth, to make report to the court of quarter sessions of the proper county, as part of his quarterly report and return to said court, of the name of every person, firm or corporation known by him to have violated any of the provisions of this act, or alleged by the person, so giving notice as aforesaid to said constable, to have violated any of the provisions of this act, and of the names of all witnesses, furnished to said constable, whose testimony it is alleged will sustain or prove the fact of such violation. And it shall be the duty of the judge of the said court to make inquiry of all constables, at the time of the making of their quarterly returns to the court of quarter sessions, as to whether they have knowledge, and whether notice has been given to them, respectively, of any violation of this act, in accordance with the terms of this section; and whenever such quarterly reports shall contain the name of any person alleged to have violated the provisions of this act, together with the names of witnesses to prove such violations, as also the name of the person giving notice to the constable, as aforesaid, the said court shall direct the district attorney to prepare an indictment against every person so named, and call and send the witnesses, whose names have been so returned, before the grand jury then sitting, in support of the said indictment; and if a true bill shall be returned by the grand jury, thereupon to issue summary process to bring in the person so charged, to answer the matters alleged in such indictment, and thereupon proceed to trial as speedily as possible, according to the course of practice in the said court of quarter sessions.

44. (12) Prosecution instigated by citizen; collaboration of dairy and food commissioner; fines, costs, etc. The Dairy and Food Commissioner shall be charged with the enforcement of all the provisions of this act; but any citizen of the Commonwealth,

having knowledge or information of the violation of any of the provisions of this act, may, in the name of the Commonwealth, begin a suit for penalty or prosecution for misdemeanor, in accordance with the provisions of this act, and may prosecute to final judgment any suit or prosecution, giving notice in writing, however, to the Dairy and Food Commissioner of the commencement of such suit or prosecution immediately upon the commencement of the same, stating the nature of the proceeding and the magistrate before whom commenced, and shall in like manner report to the Dairy and Food Commissioner each successive step taken in such suit or prosecution; and such citizen shall, upon complying with the provisions of this section, be entitled to receive one-half of any penalty or fine which may be recovered in such proceeding and paid to the Dairy and Food Commissioner; and immediately upon the receipt and covering into the treasury of any such penalty or fine, recovered and paid in any proceeding commenced by a citizen, as aforesaid, the Dairy and Food Commissioner shall pay the one-half thereof to the said citizen, so commencing said proceeding and complying with the provisions of this section. Such citizen shall also be entitled to recover from the defendant his witness fees and other legal costs, as fixed by law, in said proceeding.

45. (13) *Disposition of fines, etc.* The money paid into the treasury under the provisions of this act shall constitute a special fund, for the use of the Department of Agriculture in enforcing this law, and may be drawn out upon warrants signed by the Secretary of Agriculture and approved by the Auditor General; subject, however, to the payment to any citizen commencing and successfully prosecuting a proceeding for any violation of this act, under the last preceding section, of one-half of the penalty or fine so recovered in such proceeding and paid into the State Treasury.

46. (14) *Inspection and sampling.* The Dairy and Food Commissioner, his assistants, agents, experts, chemists, detectives and counsel, duly appointed by him for the purpose, shall have full access, egress and ingress to all places of business, factories and farm buildings, carriages, cars, vessels and cans, used in the manufacture, transportation and sale of any dairy products, or of any adulteration or imitation thereof; and shall also have power and authority to open any package, can or vessel containing, or which may be supposed to contain, renovated butter, which may be manufactured, sold or exposed for sale in violation of any of the provisions of this act; and they shall also have power to take from such package, can or vessel samples for analysis, upon paying or tendering the value of such samples.

47. (15) *Bulletin of dairy and food commissioner.* The Dairy and Food Commissioner shall publish a semiannual bulletin, and distribute the same in the same manner as other bulletins of the Department of Agriculture are published and distributed; which semiannual bulletin shall contain the name and address of every person, firm or corporation to whom a license has been issued for the manufacture or sale of renovated butter, and also a tabulated statement of all the actions, civil or criminal, which have been brought for the violations of this act; giving the name and address of the defendant, and the disposition of every case.

48. (16) *Repeal.* All parts of the act approved the fourth day of May, Anno Domini one thousand eight hundred and ninety-nine, entitled "An act to regulate the sale of butter, produced by taking original packing stock and other butter and melting the same so that the butter oil can be drawn off, mixed with skimmed milk or other material, and by emulsion or other process produce butter, and butter produced by any similar process, and commonly known as 'Boiled' or 'Process' butter; providing for the enforcement thereof, and punishment for the violation of the same," inconsistent with this act, are hereby repealed.

Monthly report of Dairy and Food Commissioner to Secretary of Agriculture; publication. Resolved, By the House of Representatives (if the Senate concurs), That the Dairy and Food Commissioner be and he is hereby directed to furnish monthly to the Secretary of Agriculture a list of the oleomargarine and renovated butter licenses issued, the results of analyses of food commodities examined by the chemists employed by him, a complete list of all convictions, with the names and addresses of defendants, together with reproductions of brands and labels of pure and adulterated or illegal food products examined and reported upon by said chemists, and that the Secretary of Agriculture be and is hereby directed to publish said list, in addition to editorial matter, in a bulletin of the Department of Agriculture, which shall be published monthly, containing the information mentioned herein, and in the quantity designated by the second section of the act of April 22, 1903, amending the second and sixth sections of the act establishing the Department of Agriculture, approved March 13, 1895.

Approved April 11, 1905. Laws of 1905, Resolution No. 31, p. 621.

FRUIT SYRUPS.

SEC. 1. *Addition of preservatives, dyes, etc., a misdemeanor.* Any person, firm, or corporate body who shall, by himself, herself or themselves, or by his, her or their agents or servants, manufacture, sell, ship, consign, offer for sale or expose for sale, or have in possession with intent to sell, any fruit-syrup which contains formaldehyde, sulphurous acid or sulphites, boric acid or borates, salicylic acid or salicylates, saccharine, dulcin, glucin, betanaphthol, abrastol, asaprol, fluorides, fluoborates, fluorosilicates or other fluorine compounds; also any coal tar dyes, sulphate of copper, or any other coloring matter injurious to health, or any preservatives or their compounds injurious to health, shall be deemed guilty of a misdemeanor.

SEC. 2. *Penalty.* Every person, firm or corporation, and every officer, agent, servant or employee of such person, firm or corporation, who violates any of the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof in the court of quarter sessions of the proper county, shall be sentenced to pay a fine of not less than sixty nor more than one hundred dollars, with the costs, or to undergo an imprisonment not exceeding sixty days, or both, at the discretion of the court.

SEC. 3. *Enforcement of act by dairy and food commissioner.* It shall be the duty of the Dairy and Food Commissioner to enforce the provisions of this act, for which purpose he shall have the same power which is given him to enforce the provisions of the act authorizing his appointment.

SEC. 4. *Disposition of fines.* All penalties or fines which may be recovered in any proceeding to enforce the provisions of this act shall be paid to the Dairy and Food Commissioner, or his agent, and by him paid into the State Treasury for the use of the Commonwealth.

SEC. 5. *Repeal.* The act, entitled "An act relative to adulteration of natural fruit juice, and providing penalties for violations thereof," approved the second day of May, Anno Domini one thousand nine hundred and one, be and the same is hereby repealed.

Approved April 26, 1905. Laws of 1905, Act No. 217, pp. 311-312.

ICE.

1. *Defiling of ice; prosecution; penalty.* Any person or persons who shall willfully throw, place or cast upon the ice forming, formed or being upon any pond, stream, river, creek or canal in this commonwealth, owned or leased in whole or in part for the production of ice for sale, any timber, stone, earth or other substance, or enter

upon, in anywise injure or defile the ice thereon forming, formed or being, such person or persons shall be deemed guilty of a misdemeanor, and shall and may, upon the information of any such owner, lessee, his agent or attorney, on conviction thereof before any alderman or justice of the peace in the county where the offence is committed, be fined in a sum not less than five dollars or more than fifty dollars, with costs of suit; the fines to go to the school fund of the district in which the offence was committed; and in default of payment of said fine, with costs of the suit, the party convicted may and shall, by said alderman or justice of the peace, be committed to the jail of the said county, for not less than twenty nor more than sixty days, there to remain until discharged by due course of law: *Provided*, That in all cases the person or persons complained against, may appeal from the decision of said alderman or magistrate, to the court of quarter sessions of said county, upon entering bail as in all other misdemeanors, by recognizance in the usual manner, for his appearance at said court, and said alderman or magistrate shall transmit said recognizance forthwith to the district-attorney of said county; and thereupon it shall be the duty of the district-attorney of said county to prepare a bill of indictment for said offence against said person or persons, and send the same before the grand jury of the said court, and all further proceedings therein shall be in like manner as now directed by law in other cases of misdemeanor: *And be it further provided*, That in case of conviction of such person or persons in said court, such person or persons shall be sentenced to pay a fine of not less than ten dollars nor more than one hundred dollars.

Brightly's Purdon's Digest, 1700 to 1894, vol. 1, p. 1010.

LARD.

SEC. 1. *Compound lard must be so labeled.* No manufacturer or other person shall sell, deliver, prepare, put up, expose or offer for sale any lard or any article intended for use as lard, which contains any ingredient but the pure fat of swine, in any tierce, tub, bucket, pail or other vessel or wrapper or under any label bearing the words "pure," "refined," "family," or either of them alone, or in combination with other words, nor unless every vessel, wrapper or label in or under which the article is sold or delivered or prepared, put up or exposed for sale, bears on the top or outside thereof, in letters not less than one-half inch in length and plainly exposed to view, the words, "COMPOUND LARD."

SEC. 2. *Penalty.* Any person who violates any provision of this act shall be punished by a fine not exceeding fifty dollars for the first or one hundred dollars for any subsequent offense.

SEC. 3. This act shall take effect on the first day of October, one thousand eight hundred and ninety-one.

Approved June 8, 1891. Brightly's Purdon's Digest, 1700-1894, vol. 1, p. 1205.

MEAT.

63. (1.) *Examination for tuberculosis.* Whenever it comes to the knowledge of the secretary of the State Live Stock Sanitary Board, or an agent of that board who is authorized to inspect animals, that a meat-producing animal, killed for food, was found to be infected with tuberculosis, or with a disease resembling tuberculosis, it shall be the duty of the secretary of the State Live Stock Sanitary Board, either himself or by deputy, or of an authorized agent of the State Live Stock Sanitary Board, to make an inspection of the said dead animal and its parts, for the purpose of ascertaining whether it is or was infected with tuberculosis, and, if infected, to what extent.

64. (2.) *Condemning of meat so infected.* If it shall be found that the animal, from which the carcass or meat came, was infected with tuberculosis, or other infectious

disease, and to a degree that renders the flesh unfit for use as food, the said dead animal, carcass or meat, shall be condemned and shall be disposed of by the use of any method that is approved by the State Live Stock Sanitary Board. For the guidance of inspectors of animals and meats, and of agents of the State Live Stock Sanitary Board rules for the inspection of the carcasses of meat-producing animals may be promulgated by the State Live Stock Sanitary Board, or, in the absence of such rules, the rules of the United States Bureau of Animal Industry, that cover the inspection of animals and carcasses for tuberculosis in abattoirs under federal inspection, shall be observed.

65. (3.) Appraisement of condemned meat. When it is decided by a meat inspector, approved in respect to competency and reliability by the secretary of the State Live Stock Sanitary Board, or by a member or agent of the State Live Stock Sanitary Board, and certified by him in writing on an official form that shall be provided for this purpose by the State Live Stock Sanitary Board, that the flesh of a meat-producing animal is unfit for use as food, on account of the fact that the animal from which it came was infected with tuberculosis to an injurious degree, the said meat or carcass may be appraised, by agreement between a member or agent of the State Live Stock Sanitary Board and the owner or his agent, or, if an agreement cannot be made, three appraisers shall be appointed, one by the owner or his agent, one by the State Live Stock Sanitary Board or its authorized agent, and the third by the two so appointed, who shall, under oath or affirmation, fairly and impartially appraise the meat or carcass, taking into consideration its apparent market value at the time of appraisement: Provided, however, That such appraised valuation shall not exceed five cents per pound, nor twenty-five dollars for the entire carcass.

66. (4.) Payment of appraised valuation. The amount of the agreed or appraised valuation shall be paid by the State Live Stock Sanitary Board, in the same manner as other expenses of said board are paid, upon the presentation of satisfactory certificates of condemnation and valuation, and satisfactory evidence in writing that the condemned animal has been continuously in the State of Pennsylvania for not less than four months prior to slaughter, and that the carcass was disposed of in a way that had been approved by the State Live Stock Sanitary Board.

Approved March 25, 1903. Laws, 1903, No. 60, p. 60; Brightly's Digest of Laws, 1893-1903, pp. 46-47.

PRESERVATIVES.

16. (1.) Formaldehyde, etc., prohibited; penalty. Any person, firm or corporate body who shall, by himself, herself or themselves, or by his, her or their agent or servants, manufacture, sell, ship, consign, offer for sale, expose for sale, or have in possession with intent to sell, any article of food which contains formaline, formaldehyde, sodium fluoride, or any of their compounds, shall be deemed guilty of a misdemeanor; and upon conviction thereof in the court of quarter sessions of the peace of the proper county, shall be sentenced to pay a fine of not less than fifty nor more than one hundred dollars, or to undergo an imprisonment not exceeding sixty days, or both, at the discretion of the court.

17. (2.) Repealed April 20, 1905, Laws of 1905, Act No. 171, p. 234.

18. (3.) Limit of metallic copper; penalty. Any person, firm or corporate body who shall, by himself, herself or themselves, or by his, her or their agents or servants, manufacture, sell, ship, consign, offer for sale, expose for sale, or have in possession with intent to sell, any article of vegetable food containing any coloring matter yielding on analysis more than one-fiftieth of one per centum of metallic copper, shall be deemed guilty of a misdemeanor; and upon conviction thereof in the court of quarter sessions of the proper county, shall be sentenced to pay a fine of not less than fifty dollars nor more than one hundred dollars, or be imprisoned in the jail of the county for not exceeding sixty days, or both, at the discretion of the court.

19. (4.) Enforcement. It shall be the duty of the Dairy and Food Commissioner to enforce the provisions of this act, for which purpose he shall have the same power which is given him to enforce the provisions of the act authorizing his appointment.

20. (5.) Disposition of fines. All penalties or fines which may be recovered in any proceeding to enforce the provisions of this act shall be paid to the Dairy and Food Commissioner or his agent, and by him paid into the State Treasury; and the money so paid shall constitute a special fund, for the use of the Department of Agriculture in enforcing this act, and may be drawn out upon warrants signed by the Secretary of Agriculture and approved by the Auditor General.

Approved April 27, 1903. Laws, 1903, No. 254, p. 325; Brightly's Digest of Laws, 1893-1903, pp. 31-32.

SEC. 1. *Preservatives or coloring matter in meat, game, or shellfish prohibited; penalty.* If any person, firm or corporate body shall, by himself, herself or themselves, or by his, her, or their or its, agents or servants, sell, ship, consign, offer for sale, expose for sale, or have in possession with intent to sell, as fresh, any meat, poultry, game, or shell fish which contains any substance, article or ingredient possessing a preservative character or action, or which contains any coal-tar, dye, or any other substance or ingredient possessing a coloring character or action, shall be deemed guilty of a misdemeanor; and, upon conviction thereof in the court of quarter sessions of the peace of the proper county, shall be sentenced to pay a fine of not less than one hundred dollars nor more than two hundred dollars, and all costs, or to undergo an imprisonment in the county jail not less than sixty days nor more than ninety days, or both, at the discretion of the court; and, upon conviction of any subsequent offense, shall be punished by a fine of not less than two hundred dollars nor more than five hundred dollars, or be imprisoned not less than sixty days nor more than four months, or both or either, at the discretion of the court: Provided, That nothing in this section shall prohibit the use of ice as a preservative, or proper refrigeration.

SEC. 2. *Dairy and food commissioner to enforce act.* The Dairy and Food Commissioner shall be charged with the enforcement of all provisions of this act; and all penalties which may be recoverable, and all fines which may be paid, in any proceeding or proceedings to enforce the provisions of this act, shall be paid to the Dairy and Food Commissioner, or his agent, and by him paid into the State Treasury; and the money so paid shall constitute a special fund, for the use of the Dairy and Food Commissioner in enforcing this act, and may be drawn out upon warrants signed by the Dairy and Food Commissioner or Secretary of Agriculture, and approved by the Auditor General.

SEC. 3. *Repeal.* All acts or parts of acts inconsistent with this act are hereby repealed; but the repeal of said acts shall in no way interfere with, or prevent the prosecution to final termination of, any action or prosecution now pending, or which may be hereafter commenced for any violation of said acts, which has already been committed.

Approved March 28, 1905. Laws of 1905, Act No. 46, pp. 64-65.)

VINEGAR.

SEC. 1. *Various vinegars prohibited.* From and after the passage of this act no person, firm or corporate body shall manufacture for sale, offer for sale or expose for sale, sell or deliver, or have in his, her or their possession with intent to sell or deliver, any vinegar not in compliance with the provisions of this act. No vinegar shall be sold or exposed for sale as apple or cider vinegar which is not the legitimate product of pure apple juice, or vinegar not made exclusively of said apple cider, or vinegar in which foreign substances, drugs or acids shall have been introduced, as

may appear upon proper test; no vinegar shall be branded fruit vinegar unless the same be made wholly from grapes, apples or other fruits.—*Amendment of May 21, 1901. Laws 1901, Act 183, p. 275.*

SEC. 2. Fermented and distilled vinegar to be so branded; foreign substances. All vinegar made by fermentation and oxidation, without the intervention of distillation, shall be branded "fermented vinegar," with the name of the fruit or substance from which the same is made. And all vinegar made wholly or in part from distilled liquor shall be branded "distilled vinegar," and all such distilled vinegar shall be free from coloring matter, added before, during or after distillation, and from color other than that imparted to it by the process of distillation, and shall contain not less than four per centum, by weight, of absolute acetic acid. And all vinegar shall be made wholly from the fruit or grain from which it is represented to be made, and shall contain no foreign substance: Provided, That this shall not be construed to prohibit the use of such an amount of spices as are necessary for flavoring, provided such spices do not color the vinegar.—*Amendment May 21, 1901. Laws 1901, Act 183, p. 276.*

SEC. 3. Injurious ingredients; branding. No person, firm or corporate body shall manufacture for sale, offer for sale, or have in his, her or their possession with intent to sell or expose for sale, any vinegar found upon proper test to contain any preparation of lead, copper, sulphuric or other mineral acid, or other ingredients injurious to health. And all packages containing vinegar shall be plainly and distinctly marked on each head of the cask, barrel or keg containing such vinegar, or if sold in other packages, each package shall be plainly and distinctly marked with the name and residence of the manufacturer, together with the brand required in section two thereof.

SEC. 4. Penalties and costs; enforcement of law. Every person, firm or corporate body who shall violate any of the provisions of this act shall, for every such offense, forfeit and pay not less than fifty dollars nor more than one hundred dollars, which shall be recoverable, with costs, including expense of inspection and analysis, by any person suing in the name of the Commonwealth as debts of like amount by law recoverable: Provided, That the Department of Agriculture, through its officer known as the Dairy and Food Commissioner, together with the deputies, agents and assistants, shall be charged with the enforcement of this act, and shall have full access to all places, of business, factories, mills, buildings, carriages, cars, vessels, barrels, tanks and packages of whatever kind used in the manufacture and transportation and sale of any vinegar, or of any adulteration or imitation thereof, or any package in which vinegar is mixed with articles of food. They shall also have power and authority to open any package, barrel or vessel containing any vinegar, or any adulteration or imitation thereof, which may be manufactured, sold or exposed for sale, and they shall also have full power and authority to take the samples therefrom for analysis upon tendering the value of said samples. And all charges, accounts and expenses of the Department for the enforcement of this act, through the said Commissioner and his deputies, agents, assistants, chemist, and counsel employed by him, in carrying out the provisions of this act, shall be paid by the Treasurer of the State in the same manner as other accounts and expenses of the said Department are paid. And all penalties and costs for the violation of the provisions of this act shall be paid to the said Dairy and Food Commissioner, or his agents, and by him immediately covered into the State Treasury, to be kept as a fund for the use of the Department, and to be drawn out upon warrant signed by the Secretary of Agriculture and the Auditor General.

SEC. 5. Further penalties; disposition of fines. Every person who violates any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars, nor more than one hundred dollars, or by imprisonment in the county jail for not less than ten nor

more than thirty days, or both fine and imprisonment for the first offense, and a fine of one hundred dollars and imprisonment for thirty days for every subsequent offense: Provided, That all fines and costs, including the expense of inspection and analysis imposed under this section, shall be covered into the State Treasury as provided by section four of this act, and all vinegar sold or offered for sale in violation of the provisions of this act shall be subject to forfeiture and spoliation.

SEC. 6. *Jurisdiction.* Magistrates and justices of the peace throughout this Commonwealth shall have jurisdiction to hear and determine actions arising for violations of the provisions of this act, and to hold for court, or impose the penalties provided therein, subject to appeal as the law shall direct.

SEC. 7. *Repeal.* All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved June 18, 1897. Laws 1897, Act 140, p. 168; Brightly's Digest of Laws, 1893-1903, pp. 872-873.

RULINGS AND REGULATIONS OF THE STATE DEPARTMENT OF AGRICULTURE.

1. All foods manufactured, sold, offered or exposed for sale are held to be represented as pure, unless accompanied by adequate notice to the contrary, in which case they must be distinctly labeled as "mixtures" or "compounds," or as "artificial" preparations.

2. Food sold as pure must be true to name, of standard strength, quality and purity, and not a compound, mixture or an artificial preparation or imitation.

3. Where no standard of strength, quality or purity is fixed by law, the standard required shall be that adopted by the highest recognized authorities, such as the United States Pharmacopoeia, or the Association of Official Agricultural Chemists.

4. No food shall have added to it any substance or ingredient "which is poisonous or injurious to health."

5. No fraudulent or worthless article having little or no food value, shall be mixed with standard goods or substituted for them, and be sold as food under the label "compound" or "mixture;" but all foods sold under this designation must be composed of substances recognized as "ordinary articles or ingredients of articles of food."

6. The question of the admissibility of a nonpoisonous or harmless foreign substance in a food, may depend upon whether the substance introduced is necessary in order to improve the value or quality of the food, or is fraudulently added as a diluent and cheapener.

7. No food shall be sold under the name of a substance of which it contains none or only an inconsiderable quantity, and when a name is "coined" therefor such name shall not be suggestive of any substance not contained therein.

8. Foods manufactured in Pennsylvania, except where exempt by statute from such requirement, should, for the purpose of identification, be labeled with the name and address of the person or firm manufacturing them. Foods not so marked are regarded with suspicion.

9. Artificial preparations or imitations shall not be labeled "extracts," as "artificial vanilla extract," etc.

10. Where such words as "compound," "mixture," "artificially colored," etc., are required upon a label, they shall be in conspicuous places and be printed in bold, clean-faced type in letters as large and conspicuous as any upon the package, and the same designation, both as to substance, size and conspicuousness, shall be printed upon the carton.

11. The use, in food, of a moderate quantity of coloring matter that is not poisonous or injurious to health, is not prohibited, provided the goods are otherwise pure

and of standard quality; except in the case of oleomargarine, milk, cream and distilled vinegar, in which the use of certain colors is prohibited by statute; but if used in foods below the established standard of strength and quality, the words "artificially colored" and "compound" or "mixture" must be printed upon the label.

12. Articles of food that can be prepared by the use of improved processes, so as to preserve them from decay or change, shall have no preservative added, other than salt, syrup, sugar, saltpetre, spice, vinegar or wood smoke.

13. When an "extract" is below standard, and yet contains a sufficient quantity of the substance after which it is named to entitle it to be labeled as a "compound" or "mixture," the percentage of its distinguishing ingredient or ingredients should be stated on its label.

14. Dry mustard must be pure. A preparation of mustard, vinegar and spices may be sold if labeled "prepared mustard." Mustard may also be sold when mixed with vinegar, spices and sufficient starch to secure a mild flavor, if labeled "prepared mustard, compound."

15. Mixtures of a spice with one or more of its valuable by-products, as pepper with pepper hulls, or pure cloves with cloves from which part of the essential oil has been removed, must be labeled "compound" or "mixture." Spice by-products, themselves possessed of spice value, must be sold under their own, distinctive names. Spice preparations with which any foreign material has been mixed shall not be sold as "compounds" or "mixtures."

16. Coffee mixed with chicory, wheat, rye, peas, etc., cannot be sold as "coffee compound."—Decision of Attorney General, January 29, 1896. Packages containing such articles may be sold if they have the name of the adulterant plainly printed on the label.

17. Candy and confections must be free from inert mineral matter, and not colored with substances poisonous or injurious to health.

18. The distinctive character of a baking powder should be stated on the label, as cream of tartar, alum, acid phosphate, etc.

19. Tin on cans in which food is preserved, and the portion of the metal tops of glass jars which is in contact with food contents, should not contain more than two per centum of lead.

NOTE.—Under the statute a dealer is liable for selling an adulterated article, although he may have no knowledge that the same is adulterated.

A guarantee of purity received from the manufacturer or jobber does not relieve a person handling adulterated goods from liability.

FOOD DEFINITIONS AND STANDARDS.

MEAT.

1. *Meat* is the dressed and properly prepared edible parts of animals, in good health at the time of slaughter, and of the kind designated.

2. Refrigeration is the only method of preservation allowable for fresh meats.

3. *Canned meats* shall contain no preservative other than salt, sugar and salt-petre, except smoked meat, which contains the products added by the process of smoking.

4. *Pickled and salted meats* shall contain no preservatives other than salt, sugar, salt-peter, vinegar, spices or other condiments.

5. *Sausage* must be prepared from meat of the quality above indicated, and must contain no preservatives other than sugar, salt, salt-peter, smoke and condiments; artificial color must not be introduced without notice of the fact.

6. *Meat extracts* must be true to name. No antiseptic, other than salt, may be used.

MILK AND BUTTER.

1. *Milk* is the normal secretion, taken by complete milking, from the udder of a healthy cow, properly fed and kept. Colostral milk is excluded.
2. *Cream* shall contain not less than 15 per centum of butter-fat.
3. *Skim-milk*, except in cities for which a different standard has been established by law, shall contain not less than 8.5 per centum of total solids not fat, and shall be free from all kinds of additions.
4. *Butter-milk*: The acid fluid of milk or cream left after the removal of the butter fat by churning. It must be free from preservatives other than the salt employed in the manufacture of butter.
5. *Condensed milk* shall be prepared from pure and wholesome normal milk, by removal of water by evaporation; sugar may be added, but no other substances.
6. *Butter* must contain not less than 83 per centum of butter-fat.

FRUIT PREPARATIONS.

1. *Fruit-butter* must be prepared wholly from the designated fruit without addition of any substance other than cider, glucose or cane-sugar and spices.
2. *Fruit preserves, jams, marmalades and jellies* must be prepared from the designated fruits and cane-sugar, with or without the addition of glucose, but without the addition of any other substance.
3. *Fruit juice*, fresh, is the juice, or pulp, or both, of fresh, sound fruit of the variety specified on the label, without addition of any other substance.
4. *Fruit juice, sweet*, is fresh fruit juice to which sugar or glucose has been added.

SACCHARINE PRODUCTS.

1. *Molasses* is that part of the cane juice, or sugar solution, that is left upon the removal of part of the sugar. It must contain no added substance.
2. *Syrup* is the purified or evaporated juice of the cane or maple sap, insufficiently evaporated to cause crystallization of the sugar. It must contain no added substance.
3. *Glucose* is the solid, sweet, purified substance obtained by the action of acid on starch. It must be free from intermediate products.
4. *Glucose syrup*, is syrup obtained by the action of acid on starch.
5. *Honey* is the nectar of flowers and saccharine exudations of plants, gathered by bees. Honey made by feeding bees sugar, glucose, syrup or other saccharine substances, is not considered pure honey. The mixing of sugar, syrup, glucose or other similar substance with honey, is considered an adulteration.

SPICES AND CONDIMENTS.

1. *Allspice or pimento*, is the dried fruit of *Pimenta officinalis*.
2. *Black pepper* is the dried, immature berry of *Piper nigrum*. Pepper shells, pepper dust, and other by-products from pepper are adulterants.
3. *White pepper* is the dried mature berry of *Piper nigrum* from which the outer, or the outer and inner, coatings have been removed.
4. *Cayenne pepper*, red pepper, is the dried fruit of *Capsicum fastigiatum*, *C. frutescens*, *C. baccatum* or other small-fruited species of *Capsicum*.
5. *Cinnamon* is the dried bark of any species of the genus *Cinnamomum*, from which the outer layers may or may not have been removed.
6. *Ground cinnamon or ground cassia*: A powder consisting of cinnamon, cassia buds or a mixture thereof.
7. *Cloves* are the dried flower-buds of *Jamboso caryophyllus*; should contain no more than 5 per cent. of clove stems.

8. *Ginger* is the washed and dried or decorticated and dried rhizome of *Zingiber officinale*. Ground ginger shall not contain any added substance, but whole ginger coated with carbonate of lime may be sold as limed or bleached ginger.

9. *Horse-radish*, the root of *Cochlearia armoracia*; the grated or ground horse-radish may be mixed with vinegar, but with no other foreign material.

10. *Mace* is the dried arillus of *Myristica fragrans*; *Macassar* or *Papua mace*, the dried arillus of *M. argeneta*, should be sold under its own name; *Bombay mace*, *M. malabarica*, has no spice value and is therefore an adulterant.

11. *Mustard, seed*, the seeds of *Sinapis alba* (white mustard), *Brassica nigra* (black or brown mustard), *S. juncea* (sarepta mustard).

12. *Mustard, ground*, is the powdered mustard seed, of one or more varieties, with or without the removal of the hulls and a portion of the oil, but without addition of any other substance.

13. *Nutmeg* is the dried seed of *Myristica fragrans*, deprived of its testa; ground nutmegs should contain no added substance; "liming" whole nutmegs is not to be considered an adulteration.

FLAVORING EXTRACTS.

1. *Lemon extract* shall contain at least 5 per centum of the pure oil of lemon dissolved in alcohol.

2. *Vanilla extract* is the solution prepared by the maceration of the vanilla bean with alcohol and sugar.

TABLE BEVERAGES.

1. *Tea* is the dried leaves of *Thea sinensis* or other species of *Thea*, without addition of the leaves of other plants or of coloring materials injurious to health, and without having been exhausted by steeping or other means.

2. *Coffee* is the fruit of *Coffea arabica*. "Roasted coffee" is coffee that has been subjected to dry heat to develop the aroma.

3. *Chocolate* is the ground pulp of the roasted seeds of *Theobroma cacao*, from which none of the fat has been removed.

4. *Cocoa* is the ground pulp of the roasted seeds of *Theobroma cacao* from which a part of the fat has been removed, but to which nothing except the usual flavoring material has been added.

5. The addition of sugar to either chocolate or cocoa should be indicated on the label.

PHILIPPINE ISLANDS.

The board of health for the Philippine Islands is authorized to "make inquiry and investigation into * * * employments, conditions, habits, foods, beverages and medicines, etc."^a In addition to this, city councils are authorized to control the establishment of slaughterhouses and markets and to "provide for and regulate the inspection of meats, fruits, poultry, milk, fish, vegetables, and all other articles of food."

MEAT.

SEC. 1. *Public slaughterhouse.* No person shall slaughter any four-footed animal for sale or food or cause or allow the same to be done, except in the public slaughterhouse maintained under the supervision of the City Assessor and Collector: *Provided*, That suckling pigs may be slaughtered on private premises, for personal use only and not for sale.

SEC. 2. *Appointment of superintendent, etc.* The City Assessor and Collector shall appoint one of the employees in the Department of Assessments and Collections superintendent of the public slaughterhouse and shall employ as many laborers therein as may be necessary.

SEC. 3. *Duties of superintendent.* The superintendent of the public slaughterhouse shall have entire charge thereof and shall enforce this ordinance and such regulations for the slaughterhouse, not in conflict with the provisions hereof, as may be adopted from time to time by resolution of the Municipal Board; shall be responsible for the good order, cleanliness, and sanitary condition of the slaughterhouse and for the collection of the fees hereinafter fixed; shall be present whenever meat is being weighed or fees collected; shall pay to the cashier at the office of the City Assessor and Collector before nine o'clock on each morning all fees collected during the previous day; and shall see that the animals and meat at the slaughterhouse are inspected each day by the authorized inspector of the Board of Health, and immediately report in writing to the City Assessor and Collector whenever such authorized inspector fails to appear at the slaughterhouse and make such inspection.

SEC. 4. *Regulations.* No animal, the ownership of which is in dispute, shall be admitted to the slaughterhouse; nor shall any animal remain in the slaughterhouse for over twenty-four hours. No person shall slaughter any animal except an expert butcher regularly assigned to that duty.

SEC. 5. *Condemning of animals or meat.* The decision of the authorized inspector of the Board of Health condemning any animal for slaughter, or any meat, as unfit for food, shall be final. No such animal shall be slaughtered, and all such meat shall be cremated at the slaughterhouse.

^a Public Laws and Resolutions passed by the United States Philippine Commission, Act 157, section 4, subsection B, page 335.

SEC. 6. *Fees.* There shall be charged and collected for each kilogram of meat, including the tongue, heart, and liver of any animal, a fee of three cents, Mexican currency, and no meat shall be taken from the slaughterhouse until such fee has been paid to the superintendent, or in any transportation other than that authorized by the Municipal Board.

SEC. 7. *Sanitation.* The slaughterhouse shall be kept at all times in an orderly and sanitary condition and shall be thoroughly cleaned at least once in the morning and once in the evening of each day. The skull and all other discarded parts or contents of any animal shall be removed from the slaughterhouse as soon as practicable after such animal has been slaughtered.

SEC. 8. *Resisting superintendent.* No person shall resist, obstruct, or molest the superintendent of the public slaughterhouse or any employee therein in the exercise of his duties as superintendent or employee.

SEC. 9. *Superintendent must not be financially concerned in transactions.* No superintendent or other person in charge of the public slaughterhouse, or employed in or about the same, shall purchase, sell, or be directly or indirectly interested in the purchase or sale of any animal for slaughter, or of any meat taken from such slaughterhouse.

SEC. 10. *Penalty.* Any person violating any provisions of this ordinance shall, upon conviction thereof, be punished by a fine not to exceed one hundred dollars, or imprisonment not to exceed six months, or both, for each offense.

SEC. 11. *Repeals.* All ordinances, orders, and regulations and parts thereof inconsistent herewith are hereby repealed and this ordinance shall take effect and be in force on and after the first day of September, nineteen hundred and two.

Enacted, August 23, 1902, by the Municipal Board of the city of Manilla, Ordinance No. 35.



